

Projects Act, as amended, which has been approved, pursuant to 43 U.S.C. 422j; to the Committee on Interior and Insular Affairs.

2971. A letter from the Secretary of the Interior, transmitting, a report of the Fish and Wildlife Service on the administration of the Marine Mammal Protection Act of 1972 for the period January 1, 1986 to December 31, 1986, pursuant to 16 U.S.C. 1373(f); to the Committee on Merchant Marine and Fisheries.

2972. A letter from the Secretary of Transportation, transmitting the first status report of the demonstration projects authorized in section 149(a) of the act, pursuant to Public Law 100-17, section 149(j)(1) (101 Stat. 202); to the Committee on Public Works and Transportation.

2973. A letter from the Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; to the Committee on Public Works and Transportation.

2974. A letter from the Director, Office of Management and Budget, transmitting a determination that additional amounts are necessary to maintain the authorized level of operation of RFE/RL, Inc., because of adverse fluctuations in foreign currency exchange rates, pursuant to 22 U.S.C. 2877(a)(2); jointly, to the Committee on Foreign Affairs and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Michigan (for himself, Mr. HORTON, Mr. YOUNG of Alaska, Mr. LELAND, Mr. McCLOSKEY, Mr. PASHAYAN, Mr. MYERS of Indiana, Mr. GILMAN, Mr. CLAY, Mr. BURTON of Indiana, Mrs. SCHROEDER, Mrs. MORELLA, Mr. SOLARZ, Mr. GARCIA, Mr. DE LUGO, Mr. DYMALLY, Mr. ACKERMAN, Ms. OAKAR, Mr. YATRON, Mr. SIKORSKI, Mr. UDALL, Mr. BUECHNER, Mr. COLEMAN of Missouri, Mr. EMERSON, Mr. GEPHARDT, Mr. WHEAT, Mr. SKELTON, and Mr. VOLKMER):

H.R. 3987. A bill to designate the U.S. Post Office Building located at 500 West Chestnut Expressway in Springfield, MO, as the "Gene Taylor Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. LEVINE of California (for himself, Mr. McCANDLESS, Mr. GALLEGLY, and Mr. MILLER of California):

H.R. 3988. A bill to authorize the Secretary of the Interior to provide water conservation opportunities by lining the All-American Canal, Boulder Canyon project, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DE LA GARZA (for himself and Mr. MADIGAN):

H.J. Res. 466. Joint resolution to proclaim March 20, 1988, as "National Agriculture Day"; to the Committee on Post Office and Civil Service.

By Mr. YATRON:

H.J. Res. 467. Joint resolution designating January 30, 1989, as "National Day of the

Disabled"; to the Committee on Post Office and Civil Service.

By Mr. FASCELL (for himself and Mr. BROOMFIELD):

H. Res. 383. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Foreign Affairs in the 2d session of the 100th Congress; to the Committee on House Administration.

By Mr. PEPPER (for himself and Mr. QUILLEN):

H. Res. 384. Resolution providing amounts from the contingent fund of the House for expenses of investigations and studies by the Committee on Rules in the 2d session of the 100th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. RODINO.

H.R. 592: Mrs. MORELLA and Mr. RUSSO.

H.R. 1003: Mr. BOSCO, Mr. ROBINSON, Mr. CLAY, Mr. CLARKE, Mr. JONTZ, and Mr. DAVIS of Illinois.

H.R. 1049: Mr. FEIGHAN.

H.R. 1398: Ms. PELOSI and Mr. FLAKE.

H.R. 1606: Mr. FRENZEL.

H.R. 1620: Mr. DAVIS of Illinois.

H.R. 2051: Mr. McGRATH.

H.R. 2611: Mr. VANDER JAGT and Mr. GILMAN.

H.R. 2737: Mr. PICKLE.

H.R. 2762: Mr. OBEY, Mr. FEIGHAN, Mr. BONKER, Mr. MOODY, Mr. HUCKABY, Mr. HAMMERSCHMIDT, Mr. AKAKA, Mr. ATKINS, and Mr. NELSON of Florida.

H.R. 2870: Mr. FLAKE and Ms. PELOSI.

H.R. 2898: Mr. FAUNTROY, Mr. SMITH of Florida, Mr. ROE, Mrs. PATTERSON, Mr. FROST, Mr. CROCKETT, Mr. SCHUETTE, Mr. FOGLIETTA, Mr. TORRES, Mrs. BOXER, Mr. HOWARD, Mr. SMITH of New Hampshire, Mr. AKAKA, Mrs. COLLINS, Mr. HYDE, Mr. OWENS of Utah, Mr. DORNAN of California, Mr. BUECHNER, Mr. HERGER, Mr. DE LUGO, Mr. WORTLEY, Mr. MARTINEZ, and Mrs. MEYERS of Kansas.

H.R. 3053: Mr. DENNY SMITH.

H.R. 3250: Mr. SCHULZE, Mr. BARNARD, and Mr. HUBBARD.

H.R. 3312: Mr. AKAKA.

H.R. 3361: Ms. PELOSI, Mr. McCLOSKEY, Mr. FORD of Tennessee, Mr. ALEXANDER, Mr. SWINDALL, and Mr. NAGLE.

H.R. 3375: Mr. VANDER JAGT.

H.R. 3455: Mr. MFUME, Mr. CLAY, Mr. COELHO, Mr. SIKORSKI, Mr. GILMAN, and Mr. SUNIA.

H.R. 3553: Mr. DANNEMEYER, Mr. TALLON, Mr. OWENS of Utah, and Mrs. VUCANOVICH.

H.R. 3724: Mr. WELDON.

H.R. 3764: Mr. LOWRY of Washington.

H.R. 3800: Mr. TALLON and Mr. SPRATT.

H.R. 3826: Mr. DYSON.

H.R. 3842: Mr. BORSKI, Mr. QUILLEN, Mr. HUGHES, Mr. ROE, Mr. DE LA GARZA, Mr. LAGOMARSINO, Mr. HORTON, and Mr. STRATTON.

H.R. 3882: Mr. LAGOMARSINO, Mr. OWENS of New York, Mr. BATES, Mr. HYDE, Mr. SMITH of Florida, Mr. UPTON, Mr. HUGHES, Ms. KAPTUR, Ms. PELOSI, Mr. WHITTAKER, Mr. COURTER, and Mr. GREEN.

H.R. 3892: Mr. APPLEGATE, Mr. SYNAR, Mr. UPTON, Mr. HALL of Ohio, Mr. ROBINSON, Mr. MAVROULES, Mr. HARRIS, Mr. MAZZOLI, Mr. HAMMERSCHMIDT, Mr. MONTGOMERY, Mr. JONES of North Carolina, Mr. McCLOSKEY, Mr. DONALD E. LUKENS, Mr. BARNARD, Mr. OWENS of Utah, Mr. JONES of Tennessee,

Mr. MARKEY, Mr. LENT, Mr. PRICE of Illinois, Mr. DOWDY of Mississippi, and Mr. HEFNER.

H.R. 3893: Mr. JONTZ, Mrs. SMITH of Nebraska, Mr. LIVINGSTON, Mr. CHANDLER, Mr. COMBEST, Mr. GRANDY, Mr. McGRATH, Mr. REGULA, Mr. SCHAEFER, and Mr. LIGHTFOOT.

H.R. 3937: Mrs. SMITH of Nebraska and Mr. LIGHTFOOT.

H.R. 3939: Mr. NIELSON of Utah, Mr. INHOFE, Mr. ROBERTS, and Mr. MILLER of Washington.

H.R. 3969: Mr. CARPER, Mr. BENNETT, Ms. PELOSI, Mr. HOYER, Mr. FIELDS, and Mr. FASCELL.

H.J. Res. 55: Mr. GARCIA, Mr. OWENS of New York, Mr. HAYES of Illinois, Mr. OLIN, Mr. TOWNS, Mr. LEWIS of Georgia, Mr. McDADE, Mr. HENRY, Mr. PACKARD, Mr. GUNDERSON, Mr. STENHOLM, Mr. SWINDALL, Mr. PERKINS, Mr. BARNARD, Mr. CLAY, Mr. SCHUETTE, Mr. GALLEGLY, Mr. RODINO, Mr. GRANT, Mr. HATCHER, Mr. DIOGUARDI, Mr. KLECZKA, Mr. COLEMAN of Missouri, Mr. PEPPER, Mr. NICHOLS, Mr. McCLOSKEY, Mr. THOMAS of California, Mr. MORRISON of Washington, Mr. REGULA, Mr. SAXTON, Mr. GREEN, Mr. BLILEY, Mr. BRUCE, and Mrs. SAIKI.

H.J. Res. 96: Mr. HARRIS, Mr. DELLUMS, Mr. VALENTINE, Mr. STRATTON, Mr. MAZZOLI, Mr. McDADE, Mr. PANETTA, Mr. HANSEN, Mr. CARPER, Mr. FAZIO, Mr. TORRICELLI, and Mr. ROBINSON.

H.J. Res. 383: Mr. LEHMAN of California and Mr. FLAKE.

H.J. Res. 391: Mr. GARCIA, Mr. GREEN, Mrs. ROUKEMA, Mr. TAUZIN, Mr. GUARINI, Mr. SIKORSKI, and Mr. MARTINEZ.

H.J. Res. 415: Mr. PORTER, Mr. LEWIS of California, Ms. PELOSI, Mr. FLORIO, Mr. MAZZOLI, Mr. RAY, Mr. ROE, Mr. FASCELL, Mr. CHANDLER, Mr. DeFAZIO, Mr. DIXON, Mr. DORNAN of California, Mr. ESPY, Mr. CAMPBELL, Mr. EARLY, Ms. KAPTUR, Mrs. JOHNSON of Connecticut, Mr. HENRY, Mr. KONNYU, Mr. MFUME, Mr. IRELAND, Mrs. MORELLA, Mr. TAUKE, and Mr. GEPHARDT.

H.J. Res. 421: Mrs. BENTLEY, Mr. BEVILL, Mr. BIAGGI, Mr. BLAZ, Mr. BORSKI, Mrs. BOXER, Mr. BROOKS, Mr. CHAPMAN, Mr. COELHO, Mrs. COLLINS, Mr. COOPER, Mr. CROCKETT, Mr. DeFAZIO, Mr. DeWINE, Mr. DIOGUARDI, Mr. DIXON, Mr. DUNCAN, Mr. DYMALLY, Mr. EARLY, Mr. ENGLISH, Mr. ERDREICH, Mr. FASCELL, Mr. FAUNTROY, Mr. FLIPPO, Mr. FLORIO, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FROST, Mr. GALLO, Mr. GONZALEZ, Mr. GORDON, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HATCHER, Mr. HAWKINS, Mr. HAYES of Illinois, Mr. HEFNER, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUGHES, Mr. JEFFORDS, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mr. KASICH, Mr. KLECZKA, Mr. KOSTMAYER, Mr. LaFALCE, Mr. LAGOMARSINO, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEVIN of Michigan, Mr. LEVINE of California, Mr. LIPINSKI, Mr. LIVINGSTON, Mr. MACK, Mr. MARTIN of New York, Mr. MILLER of Washington, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MRAZEK, Mr. MURTHA, Mr. NEAL, Mr. NIELSON of Utah, Mr. OWENS of New York, Ms. PELOSI, Mr. PERKINS, Mr. QUILLEN, Mr. RAHALL, Mrs. ROUKEMA, Mr. SCHEUER, Mr. SCHUMER, Mr. SKELTON, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. STUMP, Mr. TALLON, Mr. TRAFICANT, Mr. TRAXLER, Mr. VALENTINE, Mr. WEISS, Mr. WHITTAKER, Mr. WHITTEN, Mr. WOLF, Mr. WORTLEY, Mr. WYDEN, Mr. YOUNG of Florida, and Mr. YOUNG of Alaska.

H.J. Res. 422: Mr. ACKERMAN, Mr. BIAGGI, Mr. BILBRAY, Mr. BILIRAKIS, Mr. CARPER, Mr. CHAPMAN, Mr. COLEMAN of Texas, Mr.

to put his expertise to use. Carl's help in setting up the water supplies for this disaster will long be remembered.

Carl Peterson is a unique individual. His participation as the deputy chief, his willingness to give of himself, and his good nature have demonstrated his rare character. I congratulate you and express my gratitude to you, Carl, a man with many honorable accomplishments. I wish you much luck and success as you continue your services during the years ahead.

THE ABANDONED HISTORIC SHIPWRECK BILL

HON. CHARLES E. BENNETT

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. BENNETT. Mr. Speaker, as the House sponsor of the abandoned historic shipwreck bill, I am aware of a massive, ongoing disinformation campaign by people opposing this bill. The abandoned historic shipwreck bill is a good piece of legislation designed to protect historical artifacts buried in State submerged lands. It is supported by the Governor's Association, the Coastal State Organization, and a number of archeological and preservationist groups.

I submit for the RECORD eloquent testimony given by Arthur Cohen, coordinator, Underwater Historic Preservation, State of Vermont, to the House Interior Subcommittee on National Parks and Public Lands, which outlines the merits of the abandoned historical shipwreck legislation, of which Senator BILL BRADLEY is the Senate sponsor. I urge everyone to read these thoughtful words, which support State rights, support historic preservation, and support the Abandoned Historic Shipwreck Act.

Mr. Chairman and Members of the Committee, I am here today to comment on The Abandoned Shipwreck Act of 1987, pending legislation which effects our nations historic maritime resources. I have had the opportunity to examine the issue from a number of perspectives. I am an experienced sport diving instructor, with the status of Instructor Trainer, and have owned and operated a full service dive shop as well as worked as a professional diver in New England and the Caribbean. I am a maritime historian and Director of the Basin Harbor Maritime Museum on Lake Champlain. I have located and directed the documentation of dozens of historic shipwrecks for the State Historic Preservation offices of both Vermont and New York. I am the designer and coordinator of the State of Vermont's Underwater Historic Preserve program as well.

I begin with a strong statement of support for language and sentiments of Senate Bill S. 858 which seeks to treat historic shipwrecks as a public trust and not as commodities to be claimed and harvested by treasure salvors espousing the virtues of free enterprise. Historical shipwrecks are a national treasure, a finite, irreplaceable and invaluable part of the record of human events. All of us who dive, study, salvage and legislate have a responsibility to future generations to preserve this record. All too often, the decisions to salvage a historic shipwreck is made for personal, short sighted and immediate enrichment of the salvor.

In the process the basic resource and the potential information it had to yield may be lost forever.

I have been involved with the sport diver community for over 20 years as a diver and a diving professional. Sport divers have always had a traditional distrust of legislation. To the sport diving community, any legislation is restrictive legislation. The major dive instructional agencies frequently compete with one another for the distinction of being the most aggressive in opposing any proposed legislation. Over the years sport divers have developed a predictable knee-jerk reaction at any attempt to regulate their activities. In the present situation an attempt has been made to mobilize the sport diver community as the front line troops to oppose the pending legislation. Like sheep being led with a bucket of grain, the treasure hunting lobby and their wolf-in-sheeps clothing support organizations, have attempted to create the impression that there is widespread sport diver opposition to this legislation. Sport divers have been badly misinformed and told if this legislation is passed they are in danger of losing their rights to dive on historic shipwrecks. Sport divers have been rallied to write to their elected representatives to oppose the proposed legislation. Many of the letters you are receiving are motivated by this calculated campaign of disinformation. The divers I have talked with and shown the actual legislation are totally in support of the bill and its purposes.

Our experiences on Lake Champlain, an inland fresh water environment, with joint State and Federal jurisdictions may provide some insights for the pending bill. Over the past eight years, the State of Vermont has, in effect, provided a prototype for the program envisioned in the pending legislation. Using Federal Survey and Planning money, made available from the Department of the Interior, National Park Service, the State of Vermont Division for Historic Preservation in partnership with private non-profit groups of historians and sport divers has located and documented many important ships of the past. We have located and studied the *Boscawen*, a British warship built by Jeffery Amherst in 1759, the *Congress*, flagship of Benedict Arnold's first American Naval fleet built in 1776, the United States Brig *Eagle*, a participant in the successful 1814 Battle of Plattsburgh Bay. We have also documented the *Phoenix*, the oldest surviving steamboat hull in the world, and have discovered a forgotten class of American vessel, the sailing-canal boat. The argument that unless you let treasure hunters locate and claim historic shipwrecks which make up the national legacy they will not be found is just not true.

Treasure salvors cry foul not because they possess the unique expertise to find and deal with shipwrecks of historic and monetary value. They cry foul because by removing these national treasures from the inappropriate confines of Admiralty Law, like a shop merchant, the salvage merchant loses access to their saleable merchandise. Admiralty Law was not developed and never contemplated for the protection, interpretation and long term interests of historic properties. It is critical that the Congress corrects this inappropriate situation.

A state program with jurisdiction, and a small level of funding from the federal government, can easily institute a program of inventory, analysis, recreation and preservation of historic underwater resources. The State of Vermont, working with the coop-

eration of the sport diver community has created an experimental and low cost program called an "Underwater Historic Preserve". Surface moorings have been placed at three historic vessels to permit sport divers to find and explore them without causing anchor damage. The program was begun in 1985 and since that time thousands of divers have utilized the program. The results are impressive. Visiting diver dollars filter into the local economy, divers have had a safer and more meaningful recreational diving experience, and historic shipwrecks have received no acts of intentional vandalism.

In summary, I support the language of S. 858. It recognizes the inappropriateness of the current Admiralty jurisdiction for historical shipwrecks and places their care under the States, which are better positioned to administer them for their present recreational opportunities and timeless informational value. I feel this jurisdiction should be accompanied with a modest appropriation to assist the State's in implementing this new responsibility. Congress has a crucial decision to make which will have a permanent effect on the care of an irreplaceable legacy. Technology has made finding historical shipwrecks easy, but we are still only beginning to understand how to best document, preserve and share these national treasures. Interest in these resources is a broad one encompassing not only present generations of divers, archaeologists and treasure salvors but future generations as well. The record of the past contained within these shipwrecks is a precious gift that places a great responsibility on our generation as caretaker for the next. Let us not just advocate what is best for the diver, salvor or administrator, but let us raise the shipwreck to a party-in-interest and assign in a voice in its own future.

What will be left of the present remaining pool of underwater historical shipwrecks 100 years from today? No governmental system will be perfect, but Senate Bill S. 858 takes a positive step to insure that our underwater heritage will be available for present and future generations. Once a shipwreck is gone it is gone forever. I urge the committee to support the measure.

A RABBI'S IMPRESSION OF GLASNOST

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 23, 1988

Mr. HOYER. Mr. Speaker, in January, Stuart Weinblatt, the president of the Washington Board of Rabbis and rabbi of Temple Solel in Bowie, along with Rabbi David Kaye of Har Shalom Congregation in Potomac traveled to the Soviet Union. While there, they met with a number of refuseniks who remain skeptical of the improving relations between our two countries and what this improvement offers for their future.

Upon his return, Rabbi Weinblatt shared with me the concerns of his Soviet brethren, as well as his thoughts on how we can continue to help them. I would like to share his observations with my colleagues.

By Mr. BOUCHER (for himself, Mr. CARDIN, Mr. WOLF, Mr. HOYER, Mr. PARRIS, Mr. McMILLEN of Maryland, Mrs. MORELLA, Mr. FAUNTROY and Mr. SISISKY):

H.J. Res. 480. Joint resolution granting the consent of the Congress to amendments made by Maryland, Virginia, and the District of Columbia to the Washington Metropolitan Area Transit Regulation Compact; to the Committee on the Judiciary.

By Mr. GARCIA (for himself, Mr. WYDEN, Mr. BLILEY, Mr. FUSTER, Mr. LEWIS of Georgia, Mr. SMITH of Florida, Mr. LEHMAN of Florida, Mr. KOSTMAYER, Mr. WOLF, Mr. MFUME, Mr. OWENS of Utah, Mr. DE LUGO, Mr. KONNYU, Mr. BILBRAY, Mr. FAUNTROY, Mr. HOWARD, Mrs. COLLINS, Mr. FAZIO, Mrs. BOXER, Mr. HUGHES, Mr. MRAZEK, Mr. PROST, Mr. LIPINSKI, Mr. EVANS, Mr. DEWINE, Mr. WORTLEY, Mr. BATES, Mr. CROCKETT, Mr. VOLKMER, Mr. ROE, Mr. HOCHBRUECKNER, Mr. BERMAN, Mr. HORTON, Mr. KOLTER, Mr. LEVIN of Michigan, Mr. SOLOMON, Mr. TOWNS, Mr. DARDEN, Mr. BORSKI, Mr. CAMPBELL, Mr. CLAY, Mr. DONNELLY, Mr. DOWDY of Mississippi, Mr. BUECHNER, Mr. DRIER of California, Mr. DE LA GARZA, Mr. FISH, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FRENZEL, Mr. BOUCHER, Mr. BUSTAMANTE, Mr. FEIGHAN, and Mr. BRYANT):

H.J. Res. 481. Joint resolution to designate the period beginning May 16, 1988, and ending May 22, 1988, as "National Safe Kids Week"; to the Committee on Post Office and Civil Service.

By Mr. BONIOR of Michigan (for himself, Mr. HAMILTON, Mr. OBEY, Mr. STOKES, Mr. ASPIN, Mr. MILLER of California, Mr. GUARINI, Mr. LOWRY of Washington, Mr. DORGAN of North Dakota, Mr. FRANK, Mr. McCURDY, Mr. SPRATT, Mr. ROWLAND of Georgia, Mr. SLATTERY, Mr. MORRISON of Connecticut, Mr. COOPER, Mr. CARPER, Mr. ANDREWS, and Mr. LANCASTER):

H.J. Res. 482. Joint resolution to provide assistance and support for peace, democracy and reconciliation in Central America; jointly, to the Committees on Appropriations, Armed Services, Foreign Affairs, the Permanent Select Committee on Intelligence, and Rules.

By Mrs. MEYERS of Kansas:

H.J. Res. 483. Joint resolution to designate the week beginning April 3, 1988, as "National Auctioneers Week"; to the Committee on Post Office and Civil Service.

By Mr. KOSTMAYER:

H. Con. Res. 255. Concurrent resolution expressing the support of the Congress for Panamanian President Delvalle and for democracy in Panama; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. LEACH of Iowa (for himself, Mr. BROOMFIELD, and Mr. PASHAYAN):

H. Con. Res. 256. Concurrent resolution urging the President to use his emergency refugee authority to accommodate the admission of additional Armenians and others from the Soviet Union; to the Committee on the Judiciary.

By Mr. MANTON (for himself and Mr. ACKERMAN):

H. Con. Res. 257. Concurrent resolution expressing the sense of the Congress that the Board of Governors of the Federal Re-

serve System should take such steps as may be necessary to prevent electronic fund transfers between financial institutions in the Republic of Panama and financial institutions in the United States until such time as the President certifies the Republic of Panama pursuant to section 481(h)(2)(A) of the Foreign Assistance Act of 1961; to the Committee on Banking, Finance and Urban Affairs.

By Mr. RAHALL (for himself and Mr. MOLLOHAN):

H. Con. Res. 258. Concurrent resolution expressing the sense of Congress regarding the upcoming National "Silver-Haired Congress"; to the Committee on Post Office and Civil Service.

By Ms. OAKAR:

H. Res. 393. Resolution designating membership on certain standing committees of the House; considered and agreed to.

By Mr. KOLTER:

H. Res. 394. Resolution expressing the opposition of the House of Representatives to the proposed World Bank loan to restructure Mexico's steel industry; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GAYDOS (for himself, Mr. MURTHA, Mr. RITTER, Mr. APPLEGATE, and Mr. REGULA):

H. Res. 395. Resolution expressing the sense of the House of Representatives that the proposed World Bank loan to Mexico is not in the best interests of the United States or in the best interests of Mexico's own economic revitalization efforts; and the Government of the United States should use its best efforts to prevent approval of that loan; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

276. By the SPEAKER: Memorial of the General Assembly of the State of New Jersey, relative to the depletion of the ozone layer, to the Committee on Energy and Commerce.

277. Also, memorial of the Legislature of the State of Nebraska, relative to the Vietnam Women's Memorial Project; to the Committee on Interior and Insular Affairs.

278. Also, memorial of the Legislature of the State of Maine, relative to the retention of mortgage revenue bonds; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. STALLINGS introduced a bill (H.R. 4073) for the relief of Mr. Wilhelm Schlechter, Mrs. Monica Pino Schlechter, Ingrid Daniela Schlechter, and Arturo Davio Schlechter; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 74: Mr. MOODY.
H.R. 190: Mr. SABO, Mr. ERDREICH, Mr. NEAL, and Mr. TAUKE.
H.R. 245: Mr. GRANDY.

H.R. 276: Mr. RICHARDSON.
H.R. 341: Mr. HILER and Mr. PACKARD.
H.R. 541: Mr. BRENNAN.
H.R. 778: Mr. WORTLEY and Mr. FORD of Tennessee.
H.R. 912: Mr. LAFALCE.
H.R. 1119: Mr. RICHARDSON.
H.R. 1204: Mr. FIELDS.
H.R. 1272: Mr. OWENS of Utah.
H.R. 1583: Mr. PETRI, Mr. MACKAY, Mr. ROGERS, Mr. DENNY SMITH, Mr. GOODLING, Mr. CHENEY, and Mr. GREGG.
H.R. 1663: Mr. PACKARD, Mr. HEFNER, Mr. HASTERT, Mr. BATES, Mr. CRAIG, Mr. OBEY, and Mr. COOPER.
H.R. 1766: Mr. ROE.
H.R. 1782: Mr. MFUME and Mr. SMITH of New Jersey.
H.R. 1965: Mr. CRAIG.
H.R. 2017: Mr. WORTLEY.
H.R. 2148: Mr. CLARKE, Mr. ANDREWS, Mr. MILLER of Ohio, Mr. COOPER, Mr. SHAYS, Mr. MARKEY, and Mr. CRAIG.
H.R. 2238: Mr. DE LUGO, Mr. McMILLAN of North Carolina, Mr. ESPY, Mr. HOUGHTON, Mr. SMITH of Texas, Mr. MCCOLLUM, Mr. VANDER JAGT, Mr. TRAFICANT, Mr. LEWIS of Georgia, Mr. STENHOLM, Mr. PRICE of Illinois, Mr. WELDON, Mr. PEPPER, Mr. TALLON, Mr. DICKINSON, Mr. KONNYU, Mr. FEIGHAN, Mr. SMITH of New Jersey, Ms. PELOSI, Mr. LENT, Mr. SAXTON, Mr. LEHMAN of California, Mr. DAVIS of Illinois, Mrs. LLOYD, Mr. PENNY, and Mr. BILIRAKIS.
H.R. 2567: Mr. SUNIA, Mr. ROYBAL, Mr. SABO, Ms. PELOSI, Mr. ACKERMAN, and Mr. FUSTER.
H.R. 2580: Mr. CHANDLER.
H.R. 2674: Mr. HOYER.
H.R. 2717: Mr. LEHMAN of California and Mr. DURBIN.
H.R. 2734: Mr. McEWEN.
H.R. 2800: Mr. CHANDLER, Mr. ASPIN, Mr. SKELTON, Mr. HEFNER, Mr. CARR, and Mr. FORD of Tennessee.
H.R. 2837: Mr. VENTO.
H.R. 2879: Mr. FISH.
H.R. 2976: Mrs. BENTLEY and Mrs. COLLINS.
H.R. 2988: Mr. HARRIS, Mr. YOUNG of Alaska, Mr. BARNARD, and Mr. SUNIA.
H.R. 3070: Mr. VENTO, Mr. SLATTERY, Mr. LOWRY of Washington, and Mr. COOPER.
H.R. 3132: Mr. LEHMAN of California.
H.R. 3146: Mr. RINALDO and Mr. SLATTERY.
H.R. 3149: Mr. BILIRAKIS.
H.R. 3193: Mr. RICHARDSON.
H.R. 3199: Mr. LEWIS of Florida.
H.R. 3299: Mr. DYSON, Mr. ECKART, Mr. HORTON, Mr. OWENS of New York, Mr. VANDER JAGT, and Mr. YOUNG of Alaska.
H.R. 3361: Mr. APPLEGATE, Mr. SPENCE, Mr. HOWARD, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. VANDER JAGT, Mr. GEJDENSON, Mr. GARCIA, Mr. LELAND, Mr. COUGHLIN, Mr. FLORIO, Mr. DYSON, and Mr. KENNEDY.
H.R. 3603: Mr. MOODY.
H.R. 3622: Mr. DOWDY of Mississippi, Mr. EVANS, Mr. BOUCHER, Mr. ROE, Mr. KONNYU, Mr. WORTLEY, Ms. KAPTUR, Mr. BROWN of California, Mr. TALLON, Mr. BILIRAKIS, Mrs. COLLINS, Mr. DEWINE, Mr. LOWERY of California, Mr. EDWARDS of California, Mr. LANCASTER, Mr. ROBINSON, Mr. GEJDENSON, Mr. NIELSON of Utah, Mr. HUGHES, Mr. PANETTA, Mr. RICHARDSON, Mr. LEVIN of Michigan, Mr. JONTZ, and Mr. DYSON.
H.R. 3628: Mr. RINALDO, Mr. McDADÉ, Mr. DOWNEY of New York, Mr. TRAXLER, Mr. CLARKE, Mr. OWENS of New York, Mr. MACK, Mr. TRAFICANT, Mr. RAHALL, Mr. CARPER, Mr. SKEEN, Mr. BILIRAKIS, Mr. SUNIA, Mr. BOLAND, Mr. BROOKS, Mr. UPTON, Mr. SCHUETTE, Mr. GRANDY, Mr. MICA, Mr. FEI-

H. Con. Res. 233: Mr. LEWIS of California.

H. Res. 144: Mr. ESPY.

H. Res. 379: Mr. BADHAM, Mr. DORNAN of California, Mr. FAWELL, Mr. HYDE, Mr. INHOFE, Ms. KAPTUR, Mr. LIPINSKI, and Mr. WORTLEY.

H. Res. 392: Mr. KONNYU, and Mr. WILSON.

DELETIONS OF SPONSORS FROM
PUBLIC BILLS AND RESOLU-
TIONS

Under clause 4 of the XXII, spon-
sors were deleted from public bills and
resolutions as follows:

H.R. 74: Mr. HUTTO.

PETITIONS, ETC.

Under clause 1 of rule XXII,

133. The SPEAKER presented a petition
of the City Council of Philadelphia, PA, rel-
ative to support of H.R. 1875; which was re-
ferred to the Committee on Armed Services.

pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation. 3136. A letter from the Acting Director, Central Intelligence Agency, transmitting a draft of proposed legislation to authorize appropriations for fiscal year 1989 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency retirement and disability system, and for other purposes, pursuant to 31 U.S.C. 1110; jointly; to the Committees on the Permanent Select Committee on Intelligence and Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. S. 858. An act to establish the title of States in certain abandoned shipwrecks, and for other purposes (Rept. 100-514, Pt. 1). Ordered to be printed.

Mr. UDALL: Committee on Interior and Insular Affairs. Senate Joint Resolution 216. Joint resolution approving the location of the Black Revolutionary War Patriots Memorial (Rept. 100-515). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. Senate Joint Resolution 225. Joint resolution approving the location of the Korean War Memorial (Rept. 100-516). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 1845. A bill entitled the "Nevada-Florida Land Exchange Authorization Act of 1987"; with an amendment; referred to the Committee on Merchant Marine and Fisheries for a period ending not later than March 15, 1988 for consideration of such provisions of the bill and amendment as fall within the jurisdiction of the committee pursuant to clause 1(n), rule X (Rept. 100-513, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. AUCOIN:

H.R. 4143. A bill to establish a reservation for the Confederated Tribes of the Grand Ronde Community of Oregon, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROOKS:

H.R. 4144. A bill to exclude certain farm-out agreements from property of the estate; to the Committee on the Judiciary.

By Mrs. SMITH of Nebraska:

H. Con. Res. 264. Concurrent resolution expressing the sense of Congress with respect to the renegotiation of a long-term

trade agreement with the Soviet Union; to the Committee on Ways and Means.

By Mr. ANDERSON (for himself, Mr. HOWARD, Mr. HAMMERSCHMIDT, and Mr. SHUSTER):

H. Res. 400. Resolution expressing the sense of the House of Representatives that funding in fiscal year 1989 for the Federal-aid highway and mass transit programs should be at the levels enacted in the Surface Transportation and Uniform Relocation Assistance Act of 1987; to the Committee on Public Works and Transportation.

By Mr. BUECHNER:

H. Res. 401. Resolution expressing the sense of the House of Representatives with respect to implications of the Intermediate-Range Nuclear Forces (INF) Treaty for the military security of the North Atlantic Treaty Organization and with respect to other arms control issues; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

280. The SPEAKER presented a memorial of the Senate of the State of New Mexico, relative to a constitutional amendment requiring a balanced Federal budget; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 81: Mr. GARCIA, Mr. SYNAR, Mr. FUSTER, Mr. BEVILL, Mr. UPTON, Mr. DEFALZIO, Mr. WEISS, and Mr. RODINO.

H.R. 345: Mr. SOLOMON.

H.R. 2383: Mr. DE LA GARZA, Mr. BONIOR of Michigan, Mr. BILIRAKIS, Mr. AKAKA, Mr. ROYBAL, and Mr. BURTON of Indiana.

H.R. 2517: Mr. STOKES.

H.R. 2707: Mr. HOWARD, Mr. NOWAK, and Mr. VISCLOSKEY.

H.R. 2787: Mr. STOKES.

H.R. 2854: Mr. DE LUGO, Mr. EVANS, Mr. BEILENSEN, and Mr. ACKERMAN.

H.R. 3193: Mr. LANTOS, Mr. OWENS of Utah, and Mr. BRENNAN.

H.R. 3250: Mr. SMITH of New Jersey.

H.R. 3312: Mr. LAGOMARSINO.

H.R. 3375: Mr. JACOBS.

H.R. 3485: Mr. BATEMAN, Mr. DYSON, and Mr. LEWIS of Florida.

H.R. 3553: Mr. SCHAEFER and Mr. DORGAN of North Dakota.

H.R. 3562: Mr. WHITTEN, Mr. BURTON of Indiana, Mr. SKAGGS, Mr. REGULA, Mr. COYNE, Mr. JOHNSON of South Dakota, Mr. PRICE of Illinois, Mr. ROWLAND of Connecticut, Mr. ASPIN, Mr. ECKART, Mr. MCCURDY, Mr. HAYES of Louisiana, Mr. EMERSON, Mr. STARK, Mr. HOUGHTON, Mr. VOLKMER, Mr. WHEAT, Mr. CHAPPELL, Mr. KONNYU, Mr. LEHMAN of Florida, Mr. VALENTINE, Mr. SHARP, Mr. KLECZKA, Mr. COOPER, Mr. SKEEN, Mr. DELLUMS, Mr. ORTIZ, Mr. BRYANT, Mr. KOLBE, Mr. PORTER, Mr. DURBIN, Mr. CARR, Mr. PACKARD, and Mr. NEAL.

H.R. 3660: Mr. DORGAN of North Dakota, Mr. PANETTA, Mr. DWYER of New Jersey, Mr. ST GERMAIN, and Mr. WALGREN.

H.R. 3742: Mr. BLAZ, Mr. TALLON, Ms. PELOSI, Mr. GONZALEZ, Mr. SLATTERY, and Mr. TOWNS.

H.R. 3944: Mr. SMITH of New Jersey.

H.R. 3981: Mr. LENT.

H.R. 4018: Mr. BEVILL, Mr. CHAPMAN, Mr. DE LUGO, and Mr. HOWARD.

H.R. 4078: Mr. MILLER of California and Mr. DELLUMS.

H.J. Res. 420: Mr. HUGHES, Mr. LIVINGSTON, and Mr. CHANDLER.

H.J. Res. 453: Mr. MCGRATH, Mr. BILIRAKIS, Mr. BOEHLERT, and Mr. HATCHER.

H.J. Res. 459: Mr. AKAKA, Mr. ECKART, Mr. LUNGREN, Mr. NIELSON of Utah, Mr. BRYANT, Mr. GOODLING, and Mr. MARKEY.

H.J. Res. 466: Mr. FOLEY, Mr. COELHO, Mr. AKAKA, Mr. ANDREWS, Mr. ANNUNZIO, Mr. APPELATE, Mr. ASPIN, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BEREUTER, Mr. BERMAN, Mr. BEVILL, Mr. BLAZ, Mr. BOEHLERT, Mr. BONIOR of Michigan, Mr. BOSCO, Mr. BOUCHER, Mr. BOULTER, Mrs. BOXER, Mr. BRENNAN, Mr. BROOKS, Mr. BROWN of California, Mr. BROWN of Colorado, Mr. BRUCE, Mr. BRYANT, Mr. BUSTAMANTE, Mrs. BYRON, Mr. CALLAHAN, Mr. CAMPBELL, Mr. CARPER, Mr. CHAPMAN, Mr. CLARKE, Mr. CLINGER, Mr. COATS, Mr. COLEMAN of Missouri, Mr. COLEMAN of Texas, Mrs. COLLINS, Mr. COMBEST, Mr. CONYERS, Mr. COOPER, Mr. CRAIG, Mr. DAUB, Mr. DAVIS of Illinois, Mr. DE LUGO, Mr. DERRICK, Mr. DEWINE, Mr. DICKINSON, Mr. DIXON, Mr. DORGAN of North Dakota, Mr. DORNAN of California, Mr. DURBIN, Mr. DYMALLY, Mr. DYSON, Mr. ECKART, Mr. EMERSON, Mr. ENGLISH, Mr. ERDREICH, Mr. ESPY, Mr. EVANS, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Mr. FISH, Mr. FLIPPO, Mr. FLORIO, Mr. FRANK, Mr. FRENZEL, Mr. FROST, Mr. FUSTER, Mr. GARCIA, Mr. GINGRICH, Mr. GONZALEZ, Mr. GRANDY, Mr. GRANT, Mr. GRAY of Illinois, Mr. GUNDERSON, Mr. HALL of Texas, Mr. HAMMERSCHMIDT, Mr. HANSEN, Mr. HARRIS, Mr. HASTERT, Mr. HATCHER, Mr. HAYES of Illinois, Mr. HAYES of Louisiana, Mr. HEFNER, Mr. HENRY, Mr. HERGER, Mr. HILER, Mr. HOCHBRUECKNER, Mr. HOLLOWAY, Mr. HOPKINS, Mr. HORTON, Mr. HOWARD, Mr. HOYER, Mr. HUCKABY, Mr. HUGHES, Mr. HUNTER, Mr. INHOPE, Mr. IRELAND, Mr. JEFFORDS, Mr. JENKINS, Mr. JOHNSON of South Dakota, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. JONTZ, Ms. KAPTUR, Mr. KASTENMEIER, Mr. KEMP, Mr. KOLTER, Mr. KOSTMAYER, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. LANTOS, Mr. LATTI, Mr. LEACH of Iowa, Mr. LEHMAN of California, Mr. LEHMAN of Florida, Mr. LEWIS of Florida, Mr. LIGHTFOOT, Mrs. LLOYD, Mr. LOTT, Mr. LOWRY of Washington, Mr. LUNGREN, Mr. MCDADE, Mr. MCEWEN, Mr. MCHUGH, Mr. MACK, Mr. MACKAY, Mr. MARKEY, Mr. MARLENEE, Mr. MARTIN of New York, Mrs. MARTIN of Illinois, Mr. MARTINEZ, Mr. MATSUI, Mr. MAVROULES, Mrs. MEYERS of Kansas, Mr. MILLER of Washington, Mr. MOODY, Mr. MORRISON of Connecticut, Mr. MORRISON of Washington, Mr. MURPHY, Mr. MURTHA, Mr. NAGLE, Mr. NATCHER, Mr. NEAL, Mr. NELSON of Florida, Mr. NICHOLS, Ms. OAKAR, Mr. OBERSTAR, Mr. OLIN, Mr. ORTIZ, Mr. OWENS of New York, Mr. PANETTA, Mr. PASHAYAN, Mr. PERKINS, Mr. PICKLE, Mr. PRICE of North Carolina, Mr. PRICE of Illinois, Mr. QUILLEN, Mr. RAVENEL, Mr. RICHARDSON, Mr. ROBERTS, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROSE, Mr. ROWLAND of Georgia, Mr. SABO, Mr. SCHEUER, Mr. SCHUETTE, Mr. SHUSTER, Mr. SISISKY, Mr. SKAGGS, Mr. SKEEN, Mr. SKELTON, Mr. SLATTERY, Ms. SLAUGHTER of New York, Mr. DENNY SMITH, Mr. SMITH of Florida, Mr. SMITH of Iowa, Mr. ROBERT F. SMITH, Mrs. SMITH of Nebraska, Mr. SPENCE, Mr. SPRATT, Mr. STAGGERS, Mr. STALLINGS, Mr. STANGELAND, Mr. STENHOLM, Mr. STOKES, Mr. STUMP, Mr. SUNIA, Mr. SWEENEY, Mr. TALLON, Mr. TAUKE, Mr. TAUZIN, Mr. TAYLOR, Mr. THOMAS of Georgia, Mr. THOMAS of California, Mr. TOWNS, Mr.

Anthony	Gallo	Morella	Torricelli	Weber	Wolpe
Armedy	Garcia	Morrison (CT)	Towns	Weiss	Wortley
Aspin	Gaydos	Morrison (WA)	Traffant	Weldon	Wyden
Atkins	Gejdenson	Mrazek	Udall	Wheat	Wylie
AuCoin	Gibbons	Murphy	Valentine	Whitten	Yatron
Badham	Glickman	Murtha	Vento	Williams	Young (AK)
Baker	Goodling	Nagle	Volkmer	Wilson	Young (FL)
Barnard	Gordon	Natcher	Walgren	Wise	
Bartlett	Gradison	Neal	Waxman	Wolf	
Barton	Grant	Nelson			
Bateman	Gray (PA)	Nichols			
Bates	Green	Nowak			
Bennett	Gregg	Oakar	Applegate	Hamilton	Pease
Berman	Guarini	Oberstar	Archer	Hammerschmidt	Petri
Bevill	Hall (OH)	Obeys	Ballenger	Hansen	Porter
Bilbray	Harris	Ortiz	Bellenson	Hayes (LA)	Roberts
Bilbraks	Hastert	Owens (NY)	Bereuter	Hefley	Robinson
Billey	Hatcher	Owens (UT)	Broomfield	Henry	Roth
Boehrlert	Hawkins	Oxley	Brown (CO)	Herger	Schaefer
Boggs	Hayes (IL)	Packard	Burton	Holloway	Schuette
Boland	Hefner	Panetta	Carper	Hopkins	Sensenbrenner
Bonior	Hertel	Parris	Carr	Hughes	Shays
Bonker	Hiller	Pashayan	Chandler	Hunter	Shumway
Borski	Hochbrueckner	Patterson	Combest	Inhofe	Smith (IA)
Bosco	Horton	Pelosi	Craig	Ireland	Smith (NE)
Boucher	Houghton	Pepper	Crane	Jacobs	Smith, Denny
Boxer	Howard	Perkins	Dannemeyer	Kemp	(OR)
Brennan	Hoyer	Pickett	Daub	Kolbe	Smith, Robert
Brooks	Hubbard	Pickle	DeLay	Konnyu	(NH)
Brown (CA)	Huckaby	Pickle	DioGuardi	Kyl	Smith, Robert
Bruce	Hutto	Price (NC)	Dorgan (ND)	LaFalce	(OR)
Bryant	Hyde	Pursell	Dornan (CA)	Leach (IA)	Solomon
Buechner	Jeffords	Quillen	Dreier	Livingston	Spence
Bunning	Jenkins	Rahall	Emerson	Lowery (CA)	Studds
Bustamante	Johnson (CT)	Rangel	English	Lukens, Donald	Stump
Byron	Johnson (SD)	Ravenel	Fawell	Lungren	Sweeney
Callahan	Jones (NC)	Ray	Fields	Marlenee	Swindall
Campbell	Jones (TN)	Regula	Florio	McCandless	Tauke
Cardin	Jontz	Rhodes	Frenzel	McEwen	Traxler
Chapman	Kanjorski	Richardson	Gallegly	McHugh	Upton
Chappell	Kaptur	Ridge	Gekas	Miller (OH)	Vander Jagt
Clarke	Kasich	Rinaldo	Gilman	Miller (WA)	Visclosky
Clay	Kastenmeier	Ritter	Gingrich	Mollinari	Vucanovich
Clement	Kennedy	Rodino	Gonzalez	Moorhead	Walker
Clinger	Kennelly	Roe	Grandy	Myers	Watkins
Coats	Kildee	Rogers	Gundersen	Nielson	Whittaker
Coble	Kiecicka	Rose	Hall (TX)	Olin	Yates
Coelho	Kolter	Rostenkowski			
Coleman (MO)	Kostmayer	Roukema			
Coleman (TX)	Lagomarsino	Rowland (CT)	Bentley	Davis (IL)	Madigan
Collins	Lancaster	Rowland (GA)	Biaggi	Gephardt	Price (IL)
Conte	Lantos	Roybal	Boulter	Gray (IL)	Shaw
Conyers	Latta	Russo	Cheney	Lightfoot	
Cooper	Leath (TX)	Sabo			
Coughlin	Lehman (CA)	Saiki			
Courter	Lehman (FL)	Savage			
Coyne	Leland	Sawyer			
Crockett	Lent	Saxton			
Darden	Levin (MI)	Scheuer			
Davis (MI)	Levine (CA)	Schneider			
de la Garza	Lewis (CA)	Schroeder			
DeFazio	Lewis (FL)	Schulze			
Dellums	Lewis (GA)	Schumer			
Derrick	Lipinski	Sharp			
DeWine	Lloyd	Shuster			
Dickinson	Lott	Sikorski			
Dicks	Lowry (WA)	Sisisky			
Dingell	Lujan	Skaggs			
Dixon	Lukens, Thomas	Skeen			
Donnelly	Mack	Skelton			
Dowdy	MacKay	Slattery			
Downey	Manton	Slaughter (NY)			
Duncan	Markey	Slaughter (VA)			
Durbin	Martin (IL)	Smith (FL)			
Dwyer	Martin (NY)	Smith (NJ)			
Dymally	Martinez	Smith (TX)			
Dyson	Matsui	Snowe			
Early	Mavroules	Solarz			
Eckart	Mazzoli	Spratt			
Edwards (CA)	McCloskey	St Germain			
Edwards (OK)	McCollum	Staggers			
Erdreich	McCurdy	Stallings			
Espy	McDade	Stangeland			
Evans	McGrath	Stark			
Fascell	McMillan (NC)	Stenholm			
Fazio	McMillen (MD)	Stokes			
Felghan	Meyers	Stratton			
Fish	Mfume	Sundquist			
Flake	Mica	Swift			
Flippo	Michel	Synar			
Foglietta	Miller (CA)	Tallon			
Foley	Mineta	Tauzin			
Ford (MI)	Moakley	Taylor			
Ford (TN)	Mollohan	Thomas (CA)			
Frank	Montgomery	Thomas (GA)			
Frost	Moody	Torres			

NAYS—102

NOT VOTING—11

□ 1723

The Clerk announced the following pair:

On this vote:

Mr. Shaw for, with Mr. Davis of Illinois against.

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. GRAY of Pennsylvania. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on House Concurrent Resolution 268.

THE SPEAKER pro tempore (Mr. HAYES of Illinois). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, I have taken this time for the purpose of in-

quiring of the distinguished majority leader, the gentleman from Washington [Mr. FOLEY] as to the program for the balance of this week and next week.

Mr. FOLEY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the distinguished majority leader.

Mr. FOLEY. I thank the gentleman for yielding.

Mr. Speaker, this concludes the business for this week. We will have a schedule for next week beginning on Monday that will include four suspensions under the suspension rule, H.R. 3971 the International Child Abduction Remedies Act; S. 858, the Abandoned Historic Shipwreck Act; H.R. 1975, the Cave Protection Act; H.R. 2266, the Pipeline Safety Authorization Act.

On Tuesday, March 29th, the House will meet at noon and consider recorded votes that might be ordered on suspensions debated on Monday and also consider H.R. 3396 to rehire certain former air traffic controllers, open rule, 1 hour of debate.

On Wednesday, March 30, the House will meet at 2 p.m. and consider H.R. 3932, the Presidential Transitions Effectiveness Act and H.R. 3933, the National Historical Publications and Records Commission Act and the conference report on H.R. 5, the School Improvement Act of 1987, subject to a rule.

That will conclude the business for next week. We will then begin a recess period for Holy Week and the week following.

So it is anticipated that rather than adjourn on Thursday night as originally announced for the Easter recess we will be adjourning on Wednesday night for the beginning of that recess and Members should be advised that Holy Thursday there will not be a session of the House.

Mr. MICHEL. Might I inquire of the distinguished gentleman if there is any place in that program for the possible consideration of aid to the Contras? The Speaker and I have talked several times during the course of this day. I know that he has been in consultation with Howard Baker at the White House and there have been a number of other discussions by individual Members on both sides of the aisle as to what kind of a package conceivably could be put together. My own feeling is that if there was something that it ought not to be brought up unless there is enough of an agreement so that we would not go through the agony of something that ultimately failed.

My feeling is if we are going to bring it up it ought to have sufficient support to pass and that would have to be guaranteed, not only on that side, but also on our side.

ABANDONED SHIPWRECK ACT OF 1987

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 858) to establish the title of States in certain abandoned shipwrecks, and for other purposes.

The Clerk read as follows:

S. 858

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abandoned Shipwreck Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(a) States have the responsibility for management of a broad range of living and non-living resources in State waters and submerged lands; and

(b) included in the range of resources are certain abandoned shipwrecks, which have been deserted and to which the owner has relinquished ownership rights with no retention.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(a) the term "embedded" means firmly affixed in the submerged lands or in coralline formations such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the shipwreck, its cargo, and any part thereof;

(b) the term "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior under section 101 of the National Historic Preservation Act (16 U.S.C. 470a);

(c) the terms "public lands," "Indian lands" and "Indian tribe" have the same meaning given the terms in the Archaeological Resource Protection Act of 1979 (16 U.S.C. 470aa-470ll);

(d) the term "shipwreck" means a vessel or wreck, its cargo, and other contents;

(e) the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; and

(f) the term "submerged lands" means the lands—

(1) that are "lands beneath navigable waters," as defined in section 2 of the Submerged Lands Act (43 U.S.C. 1301);

(2) of Puerto Rico, as described in section 8 of the Act of March 2, 1917, as amended (48 U.S.C. 749);

(3) of Guam, the Virgin Islands and American Samoa, as described in section 1 of Public Law 93-435 (48 U.S.C. 1705); and

(4) of the Commonwealth of the Northern Mariana Islands, as described in section 801 of Public Law 94-241 (48 U.S.C. 1681).

SEC. 4. RIGHTS OF ACCESS.

(a) ACCESS RIGHTS.—In order to—

(1) clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups, as well as irreplaceable State resources for tourism, biological sanctuaries, and historical research; and

(2) provide that reasonable access by the public to such abandoned shipwrecks be permitted by the State holding title to such shipwrecks pursuant to section 6 of this Act, it is the declared policy of the Congress that States carry out their responsibilities under this Act to develop appropriate and consistent policies so as to—

(A) protect natural resources and habitat areas;

(B) guarantee recreational exploration of shipwreck sites; and

(C) allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

(b) PARKS AND PROTECTED AREAS.—In managing the resources subject to the provisions of this Act, States are encouraged to create underwater parks or areas to provide additional protection for such resources. Funds available to States from grants from the Historic Preservation Fund shall be available, in accordance with the provisions of title I of the National Historic Preservation Act, for the study, interpretation, protection, and preservation of historic shipwrecks and properties.

SEC. 5. PREPARATION OF GUIDELINES.

(a) In order to encourage the development of underwater parks and the administrative cooperation necessary for the comprehensive management of underwater resources related to historic shipwrecks, the Secretary of the Interior, acting through the Director of the National Park Service, shall within nine months after the date of enactment of this Act prepare and publish guidelines in the Federal Register which shall seek to:

(1) maximize the enhancement of cultural resources;

(2) foster a partnership among sport divers, fishermen, archeologists, salvors, and other interests to manage shipwreck resources of the States and the United States;

(3) facilitate access and utilization by recreational interests;

(4) recognize the interests of individuals and groups engaged in shipwreck discovery and salvage.

(b) Such guidelines shall be developed after consultation with appropriate public and private sector interests (including the Secretary of Commerce, the Advisory Council on Historic Preservation, sport divers, State Historic Preservation Officers, professional dive operators, salvors, archeologists, historic preservationists, and fishermen).

(c) Such guidelines shall be available to assist States and the appropriate Federal agencies in developing legislation and regulations to carry out their responsibilities under this Act.

SEC. 6. RIGHTS OF OWNERSHIP.

(a) UNITED STATES TITLE.—The United States asserts title to any abandoned shipwreck that is—

(1) embedded in submerged lands of a State;

(2) embedded in coralline formations protected by a State on submerged lands of a State; or

(3) on submerged lands of a State and is included in or determined eligible for inclusion in the National Register.

(b) The public shall be given adequate notice of the location of any shipwreck to which title is asserted under this section. The Secretary of the Interior, after consultation with the appropriate State Historic Preservation Officer, shall make a written determination that an abandoned shipwreck meets the criteria for eligibility for inclusion in the National Register of Historic Places under clause (a)(3).

(c) TRANSFER OF TITLE TO STATES.—The title of the United States to any abandoned shipwreck asserted under subsection (a) of this section is transferred to the State in or on whose submerged lands the shipwreck is located.

(d) EXCEPTION.—Any abandoned shipwreck in or on the public lands of the United States is the property of the United States Government. Any abandoned shipwreck in or on any Indian lands is the property of the Indian tribe owning such lands.

(e) RESERVATION OF RIGHTS.—This section does not affect any right reserved by the United States or by any State (including any right reserved with respect to Indian lands) under—

(1) section 3, 5, or 6 of the Submerged Lands Act (43 U.S.C. 1311, 1313, and 1314); or

(2) section 19 or 20 of the Act of March 3, 1899 (33 U.S.C. 414 and 415).

SEC. 7. RELATIONSHIP TO OTHER LAWS.

(a) LAW OF SALVAGE AND THE LAW OF FINDS.—The law of salvage and the law of finds shall not apply to abandoned shipwrecks to which section 6 of this Act applies.

(b) LAWS OF THE UNITED STATES.—This Act shall not change the laws of the United States relating to shipwrecks, other than those to which this Act applies.

(c) EFFECTIVE DATE.—This Act shall not affect any legal proceeding brought prior to the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. SHUMWAY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 858, the Senate bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, historic shipwrecks are a key part of our Nation's history, vividly illustrating the importance of our maritime heritage. By passing S. 858 we will join the Senate in recognizing the significance of the historic shipwrecks and in providing greater protection for them. S. 858, the product of years of consideration and compromise, asserts U.S. title to certain abandoned shipwrecks and transfers that title to the State so that they can manage these cultural resources located on their State-submerged lands.

Our image of historic shipwrecks is often pirate vessels and Spanish galleons loaded with treasure and gold. But most of the abandoned shipwrecks fit into neither category. They are everything from tugboats to schooners to ferries. These shipwrecks provide recreational opportunities for divers, commercial opportunities for salvors and unique information for archeologists. Modern technology has greatly

improved our access to these shipwrecks, increasing the need of their protection.

In my part of the country, Minnesota and the Great Lakes, there are at least 7,000 shipwrecks, ranging from small sailing craft from the fur trade era to military vessels, palace steamers, and modern steel freighters. Only a few of these shipwrecks have great historic significance. Most do not. For those with historic significance, the greatest treasure many of them can yield is the knowledge we can gain about our history, not the odd artifacts pulled from them.

Currently, some 27 States have laws concerning the protection of historic shipwrecks. These States spend a disproportionate amount of effort and expense in admiralty court arguing for jurisdiction over the shipwrecks on their State-submerged lands. Admiralty law developed in the ancient Mediterranean—long before anybody even thought of cultural resources. It was designed to encourage the retrieval of commercial goods, not the protection of cultural resources. S. 858 does not affect the jurisdiction of admiralty law over the greater percentage of shipwrecks not defined as historic. By asserting title to that small percentage of shipwrecks defined as historic and transferring that title to the States on whose submerged lands they lie, this bill clarifies the jurisdiction over the abandoned shipwrecks and helps the States protect their cultural resources.

This bill will not end the conflicting interests and desires of the different groups interested in historic shipwrecks. But it does provide a framework where these groups can—and must—work together. As stated in the bill, all the principal groups are included in developing the Secretary of the Interior's guidelines. I particularly want to note that it is our intention that sport divers be assured access to these historic shipwrecks to the maximum extent practicable. Access to historic shipwrecks is not, however, the same as collection from them. People are welcome to visit the resources but not to take irreplaceable resources away with them.

I believe that the historic shipwrecks will come to be increasingly understood as a key part of our national heritage. With this legislation they will receive the greater protection they need. These vessels have been wrecked once. They should not be allowed to be wrecked again, wrecked again and lost for all time.

□ 1240

Mr. Speaker, I reserve the balance of my time.

Mr. SHUMWAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill should be voted down today on both substantive and procedural grounds.

First, the substantive reasons. In my mind, there is a constitutional question as to whether this bill is a good idea, even in theory. At the very least, however, if the House is to pass S. 858 and send it to the President for his signature, the bill should be amended to correct the legal and policy problems it poses in its present form.

PROBLEMS WITH S. 858 AS DRAFTED

First, by far the most glaring problem with the bill is that it fails to protect the interests of sport divers, and the private sector generally. Proponents of the bill point to section 4's so-called rights of access provisions as protection for sport divers. That is simply not true. Section 4 contains only nonbinding recommendations regarding rights of access.

Simply stated, there is no legal, binding, or enforceable way, under this bill as it is written, to ensure that sport divers' right to dive on these wrecks, even for purely recreational purposes, will be protected by States. Moreover, there will no longer be the same private sector incentive to go out and discover wrecks as there is now under the present system. I can't stress these points enough. These two factors—the failure to protect sport divers and the elimination of private sector incentive to discover shipwrecks—more than any, are, in my mind, why this bill should be voted down under suspension.

Because of these gaps in S. 858, the 4 million sport divers throughout the United States are virtually unanimous in their opposition to the bill. And they are by far the largest constituency group affected by the bill.

Among the sport diving groups officially opposed to S. 858 are:

The Professional Association of Diving Instructors [PADI];

The National Association of Underwater Instructors [NAUI];

The National YMCA Scuba Program;

The Florida Association of Dive Operators;

The National Association of Scuba Diving Schools;

The International Diving Educators Association [IDEA];

The Atlantic Alliance for Maritime Heritage Conservation; and

Skin Diver magazine.

Let me give some examples of how the private sector and responsible sport divers will lose out under this legislation.

In 1986, the U.S. District Court for the District of Delaware resolved conflicting claims for the right to recover English ironstone china from a 19th-century sailing vessel which is wrecked at the mouth of the Delaware Bay. The court held that the sport diving group, Ocean Watch, had demonstrat-

ed that its members had been diving on, and responsibly recovering, china plates and dishes from the so-called China wreck, and were, therefore, entitled to unfettered access. With enactment of S. 858, there is no way for the Federal courts to protect sport diving interests, as they have done in the past, and sport divers, fearing heavy-handed State regulation which will greatly restrict diving access, understandably oppose this bill on this basis.

Given the track record of certain States like Florida, Texas, and Georgia, sport divers have good reason to be concerned. Despite the constitutional basis for Federal involvement in shipwreck cases, some States have assumed that they have title to shipwrecks on their submerged lands and passed laws accordingly. According to testimony in our hearing, in Wisconsin, for example, the State attempted in 1986 to enact legislation which would have asserted ownership to 300 shipwrecks in their State waters, leaving only the rest open for sport diving. The problem was, there are only 300 known shipwrecks in Wisconsin waters, and therefore nothing left for sport divers.

In Georgia, again according to committee testimony, three sport divers became interested in the Civil War vessel, the C.S.S. *Nashville*. The divers attempted to get a State permit to dive on the wreck and perform archeological studies and recovery of artifacts. The State had no permitting procedure so they went ahead with their plans. The divers responsibly recovered and preserved a whole host of artifacts and put them on public display. The Georgia Department of Natural Resources then came along and seized all the artifacts, and the artifacts are now under lock and key away from public view. And divers are no longer permitted on this shipwreck. The three divers have since published a book which goes into a great deal of history and detail known only because of their efforts, and which may not have been possible under the provisions of this bill.

In New Jersey, a diver who was involved in a program—ironically with the blessing of the State—to work on a historic shipwreck site was arrested by the State simply for diving on the shipwreck.

In Texas, the private sector is virtually outlawed from any involvement in State shipwrecks. As a result, very few shipwrecks are ever found there any more.

There are countless other examples, including the State of Florida jailing Mel Fisher who discovered and salvaged the *Atocha* for all the world to see and learn from simply because the State wanted the *Atocha* for its own State archeologists. And no one can

claim that Fisher failed to perform responsible salvage—he hired some of the world's finest archeologists.

By giving State bureaucracies complete control over shipwrecks, this bill would, in effect, throw a wet blanket on the private sector's incentive to go out and discover shipwrecks, and that certainly is not an archaeologically sound idea. We risk never finding out the history of many of these great vessels if we cut out the private sector. And we will eliminate their recreational value to many sport divers in the process.

The bill could easily be amended to correct these major flaws and protect the grave concern of the sport divers and the private sector—but under suspension there is no opportunity for amendments.

Second, a related problem with this bill is that it completely abdicates any and all Federal involvement in shipwreck cases located in territorial waters—despite the fact that article III, section 2 of the U.S. Constitution says that admiralty and maritime matters are to be under the jurisdiction of the Federal Government; and despite the fact that for 200 years Federal admiralty courts have handled these cases.

This bill could easily be amended to preserve Federal judicial oversight on these matters without changing the structure of the bill, and thus preserve the constitutional role we have had for over 200 years. Again, this amendment can't be offered under suspension of the rules.

Third, the bill does not comport with international law. The State Department is officially on record as saying that the geographic scope of the act, in the case of Texas, Florida, and Puerto Rico, extend beyond 3 nautical miles to 9 miles and, therefore, is inconsistent with international law.

A simple amendment to the definition section of the bill could solve this inconsistency—but the rule doesn't allow amendments.

Fourth, the bill is overly broad in its application. Despite what proponents say, this bill applies to all shipwrecks in territorial waters that are embedded in the submerged lands. Testimony in our committee hearings indicated clearly that any shipwreck that has been on the ocean floor for more than a week would be embedded to the extent that it is covered by this bill.

Amending the criteria for which shipwrecks are covered by this act could easily be accomplished—but not under suspension.

Fifth, the bill creates potential conflicts for national marine sanctuaries. Under this bill title to any shipwrecks in a national marine sanctuary within the territorial seas would have to be transferred to the State it was located off of. One example of such a shipwreck in a national marine sanctuary

is the famous Civil War vessel U.S.S. *Monitor*.

Again, a simple amendment, if it were allowed, could fix this potential legal problem.

Sixth, under this bill even Federal shipwrecks don't have to be managed in a manner which protects sport divers. The section 5 and five guidelines are again nonbinding.

This, too, could easily be improved upon by a simple amendment.

PROCEDURAL REASONS TO OPPOSE S. 858

This brings us to the procedural question. Procedurally, this bill should be opposed by the House Members because, under suspension of the rules, we are prevented from making the improvements this bill is desperately in need of: Improvements which I've just outlined, and improvements which Members on both sides of the aisle generally agreed were needed when the full Merchant Marine and Fisheries Committee considered the bill last Wednesday.

I offered amendments to correct all of these problems with the bill last Wednesday. The only argument that was made by Members, including the author of the House bill, Mr. BENNETT, was that if we change the bill and improve it, there is no guarantee that the other body will pass it again. No one raised a substantive or policy reason as to why my amendments shouldn't be adopted.

When I asked if there was anyone in the other body who has stated his or her intention to kill the bill if we returned it to the Senate, no one was able to indicate a real threat to its passage. The bill passed the Senate once unanimously this Congress, and there is no reason to believe it wouldn't pass it again.

This don't-amend-it-or-we'll-kill-it argument is merely scare tactics on the part of proponents of the bill to get it passed, not on the part of those of us who have legitimate concerns and want to see the bill's flaws improved or eliminated.

This House should not give up its legislative duty to amend and improve a bill which the other body has sent us. Let's vote it down under suspension and bring it back up under an open rule so Members can offer amendments and address their concerns.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. JONES], the chairman of the Committee on Merchant Marine and Fisheries.

Mr. JONES of North Carolina. Mr. Speaker, I rise today in strong support of S. 858, the Abandoned Shipwreck Act of 1987. This legislation is needed to clarify the responsibility of States for the management of historic and

certain other shipwrecks in State waters.

I was the original sponsor in the 98th Congress of a bill, H.R. 3194, which would have transferred to the State title to abandoned historic shipwrecks in State waters. Unfortunately, although this bill passed the House, the Senate failed to take any action on it. Now we are presented with the situation in which the Senate has acted on shipwreck legislation and it is up to the House to act.

S. 858 may not be perfect legislation, but, in my opinion, it represents a reasonable solution to an issue which has been before us for at least the past four Congresses. Significantly, S. 858 asserts U.S. title to any abandoned shipwreck that is: First, embedded in submerged lands of a State; second, embedded in coralline formations protected by a State on submerged lands of a State; or third, on submerged lands of a State and included in or determined eligible for inclusion in the National Register of Historic Places. Having asserted the sovereign prerogative of the U.S. Government to these three classes of abandoned shipwrecks, the U.S. transfers its title to the States on or in or on whose submerged lands the shipwrecks are located.

The States are in the best position to manage historic shipwrecks in State waters. We believe that approximately 50,000 shipwrecks lie in State waters, of which only 5 to 10 percent may be of true historic significance. The States will not be without guidance in determining which shipwrecks are of historic significance. For those shipwrecks which may be eligible for inclusion in the National Register, the Secretary of the Interior, after consultation with the appropriate State historic preservation officer, will make a written determination that an abandoned shipwreck meets the criteria for eligibility. These criteria are currently set forth in Interior Department regulations at 36 CFR 60. In addition, the Director of the National Park Service, after consultation with all appropriate interest groups, including Federal and State agencies, divers, salvors, archaeologists, historic preservationists and fishermen, is directed to issue guidelines to assist States and Federal agencies in developing programs and regulations for managing shipwrecks covered by this bill.

The States also are not operating in a vacuum in this area. Based on their interpretation of the 1953 Submerged Land Act, some 27 States have developed laws and programs that pertain to the management of historic shipwrecks. Many of the States have written to me expressing their intention of continuing to implement these same laws and programs even after the passage of Federal legislation confirming their title to abandoned shipwrecks.

I am particularly proud of the fine underwater archaeology program developed by my State of North Carolina. This program is headquartered at the Fort Fisher State Historic Site, near Wilmington, NC, and has done an excellent job of surveying shipwrecks in North Carolina's waters and recording its maritime history. The State's program is supported by several universities, particularly East Carolina University which has an outstanding marine archaeology program. This program and others in existence today can serve as models both for the guidelines to be developed by the National Park Service and for other States wishing to develop historic shipwreck management programs under the auspices of Federal legislation.

Many divers have written to me expressing their concerns that diver access is not adequately protected by S. 858 and will not be protected adequately by State programs. I am satisfied that this is not the case. In the first place, S. 858 expresses the declared policy of Congress that States should carry out their responsibilities so as to guarantee recreational exploration of shipwreck sites. Nothing could be clearer than that Congress intends for divers to continue to have recreational opportunities to explore and visit shipwreck sites. The States must provide reasonable access by the public to abandoned shipwrecks; access may be limited if a shipwreck is particularly fragile or for health and safety reasons.

I also have taken a survey of coastal States with historic preservation programs. The States have informed me that they do not intend to restrict access to shipwreck sites for recreational divers. If, on the other hand, divers intend to excavate or recover artifacts from historic shipwrecks, State permits are likely to be required. If the States do not live up to the declared policy of Congress, recourse should be available in appropriate State courts.

S. 858 removes from the law of salvage and the law of finds those abandoned shipwrecks to which title has been asserted and transferred to the States under section 6 of the bill. I am satisfied that it is within Congress' constitutional authority under the admiralty clause and the necessary and proper clause of the Constitution to modify admiralty law in this way. Congress has the authority to modify admiralty and maritime law based on changes in experience and circumstances. What Congress is saying by passing S. 858 is that the law of salvage and finds no longer suits a modern society's need to protect its maritime heritage.

Under the prevailing American law of finds, absent an assertion of the Federal Government's sovereign prerogative, abandoned shipwrecks

become the property of the finder. S. 858 asserts the sovereign prerogative of the United States to certain shipwrecks in U.S. waters and declares that the States are the owners of these shipwrecks. The law of finds may be appropriate for the recovery of modern shipwrecks, but it does not suit the preservation of historic shipwrecks. The courts have already recognized that shipwrecks embedded in submerged lands of a State belong to the State, so section 6(a)(1) of the bill does not represent a change in the current law of finds.

The law of salvage allows the finder of a wreck to receive a salvage award based on several factors, including whether the wreck is in marine peril. Again, by passing this bill, Congress is saying that historic shipwrecks are not believed to be in marine peril, necessitating recovery by salvors, so that the law of salvage is not required as a uniform admiralty rule for those specific classes of shipwrecks covered by S. 858.

Finally, I would like to emphasize that S. 858 does not supersede the authority of the Under Secretary for Oceans and Atmosphere in the Department of Commerce to designate and manage historic shipwrecks located within and protected by national marine sanctuaries in State waters.

Again, I urge my colleagues to support S. 858. This bill is an important step for the United States to undertake in providing responsible management for our endangered maritime heritage.

Mr. SHUMWAY. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Speaker, I am pleased to have the opportunity to address the House today in opposition to S. 858, the Abandoned Historic Shipwreck Act of 1988. For 8 years this body has held hearings, listened to witnesses, and discussed possible ways to best protect archeologically significant shipwrecks which lie in our coastal waters. As a member of the Committee on Merchant Marine and Fisheries, I have listened to the testimony on this legislation, and I believe a number of concerns remain to be considered before the House should vote on this bill.

We have been told by the proponents of this legislation that S. 858 would help preserve and protect shipwrecks of historical significance. As some of my colleagues have pointed out, however, this particular bill does nothing of the sort. The bill creates no systematic means for preserving shipwrecks beyond ceding control over these vessels to the States. There are no guidelines for States to follow which would enhance preservation. In fact, taking the right of exploration away from individual divers might

easily prove counterproductive from a preservation standpoint.

As I mentioned earlier, the bill grants all control over certain shipwrecks to the States, and unfortunately, few of those States have the economic resources necessary to launch publicly financed exploration and recovery efforts for the numerous wrecks which might lie in their coastal waters. Under this bill, States may restrict access to ships and prevent private divers from working to assist in their preservation. The vast majority of these divers share both an appreciation of the importance of the wrecks, and the resources and the time to search for them and ensure that adequate steps are taken to preserve their remains.

In fact, history has shown that those States which have title to vessels in their waters, have gone so far as to completely deny sport divers the right to even search for such wrecks. Texas for example has taken this very approach, and many interested parties are worried that as a result, important archeological treasures will never be discovered.

The bill only serves to further expand Government's control over yet another area which has previously been left to private individuals. Individuals who have contributed substantially to our understanding of our Nation's history. Sport divers have been instrumental in the discovery of a number of shipwrecks which have proven to be extremely valuable to those interested in history.

I do believe that the Government has a positive role to play in the discovery and recovery of such vessels. I do not, however, feel that it is wise for us to establish a system that will actually discourage sport divers, who historically have been far more successful than the States at locating ships lost for centuries on the ocean floor, from helping to preserve a piece of American history. For these reasons, I oppose S. 858 and would urge my colleagues to do likewise.

□ 1255

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida [Mr. BENNETT], a historian and sponsor of this measure.

Mr. BENNETT. Mr. Speaker, I thank the gentleman for yielding me this time.

My interest in this bill came about when I purchased a cannon for the National Park Service from my own money and gave it to the National Park Service.

In doing this, I found out something I had not previously known, and that is that even cannon, even bronze cannon, and certainly iron or steel

cannon, can be destroyed by the act of bringing them up.

The *Mary Rose*, a 16th-century vessel recently discovered off the coast of Europe, even had a book in it which was brought up.

There have been delicate things brought up by people who are knowledgeable. There has been an advance of knowledge about how to preserve things coming up. The average person does not know that.

The purpose of this bill is to see to it that objects of great scientific and historical value are, in fact, preserved. That cannot be left to just anybody, because the average person would not know that an object brought up to the surface would be destroyed so quickly. So that is the purpose of this legislation: to preserve for our culture, for our future, this type of material.

Of course, you could have additional perfecting amendments on any bill. Some people, I guess, could improve the Lord's Prayer if they really thought about it. Everybody has ideas about how you do things better. Some amendments that have been suggested I have no particular objection to. They would be all right, but would doom the bill because it is highly likely—almost certain—the Senate would choose not to act on this bill again.

A bill virtually like this bill, only a little stricter, already passed the House enthusiastically in the 98th Congress, and this bill passed the Senate, also enthusiastically, this year. The Senate sponsor, BILL BRADLEY, of New Jersey, said that probably won't happen again.

This bill will help our country preserve its history and the history of mankind in a very delicately framed bill, and it will be helpful to everybody.

The main reason some sport divers are opposed to this bill is because there is a publication *Skin Diver* magazine, that has refused to ever publish a copy of the bill, and it will not publish refutations to its point of view. So there are some sport divers that are alarmed. However, they have no real reason to be alarmed about the bill.

According to a study done for Chairman JONES of the House Merchant Marine and Fisheries Committee, no State has sought to keep sport divers from diving on wrecks. No State.

States have sought to keep the admiralty law out of dealing with the historic shipwrecks, because the admiralty law gives a push to bring things up out of the sea regardless of how they are brought up. Admiralty laws consider it a blessing that they come up. That's OK for most shipwrecks; not for historic ones.

This law will see to it that things are carefully taken care of from the standpoint of preservation.

I congratulate the committees on their work, on this bill, and I sincerely

hope this bill will pass.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Florida has consumed 3 minutes.

Mr. SHUMWAY. Mr. Speaker, I yield 3 minutes to the gentleman from Florida, [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I thank the gentleman from California for yielding me this time.

Mr. Speaker, I would like at this time to congratulate my colleague, the gentleman from Florida [Mr. BENNETT], and all those associated in bringing this bill to the floor. It is a very necessary bill.

The argument has been made, and I think very rightly and correctly so that sport divers today have great concern with this bill and have quite appropriately registered their opposition to it.

I would, however, observe that I believe that the sport divers of tomorrow might very well be very grateful to this body for the passage of this bill in bringing it along. There is much history down there, and I think the gentleman from California [Mr. SHUMWAY], was absolutely correct when he stated that we may be discouraging advancement of new discoveries through new expeditions because of the redtape that we are inserting here.

I believe that the States will act responsibly. I believe that my own State of Florida will act responsibly where so many of these wrecks are found, and I think this new area of protection, this bill, would afford to, even though it certainly is a bill that certainly could be improved as most bills that come to this floor can be improved, I believe its passage will go a long way toward preserving these archaeological treasures that will be here and available to future generations.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. SHAW. I am glad to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I want to congratulate the gentleman on his statement.

I think the gentleman will find the dilemma that exists really only covers a small number of the shipwrecks that are even within State waters. It does not cover the *Atocha* or some other ships in deeper international waters.

I hope some day that we can have a policy that deals with the *Titanic* and other ships.

I think the sport divers are a very important recreational activity, but the problem that exists today in Admiralty Court is the only way that you get established is a salvor has a conflict to establish his right to a shipwreck, but many of these resources are not all gold coins and so forth. There are these cultural resources that are so important, and then the States, in

order to protect their rights, or the Archivists or whoever else, has to spend a lot of money on litigation on law that is rooted only in the salvage of it, not really looking at the historic resource, although by the owners of the *Atocha* and otherwise to deal with the archaeological resource. But in Admiralty Court they only deal with those that are valuable.

I would urge passage of this bill. There has been a great deal of responsible research that has gone on. Most of the divers have acted quite responsibly, recognizing the historic significance of the treasures with which they are working. However, there have been some abuses. There has been dynamiting, there have been some things that would absolutely guarantee for future generations that these shipwrecks, these valuable pieces of history, be lost for all time.

I would urge passage of this legislation.

Mr. VENTO. Mr. Speaker, I yield 4½ minutes to the gentleman from New Jersey [Mr. HUGHES].*** BAD MAG TAPE ***

Mr. HUGHES. Mr. Speaker, I thank the gentleman for yielding me this time.

I have a question of the distinguished chairman of the subcommittee relative to section 4 dealing with the general responsibilities of the State under section 4 in developing appropriate and consistent policies to protect natural resources and to guarantee appropriate access.

Is it the intent of the committee to ensure that the States, in developing a management plan, would provide access by recreational divers as well as other users?

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, the gentleman is exactly correct. There has been a great deal of discussion about the recreational diving and so forth. Access will be provided in section 4. The right to access, of course, is the title of section 4.

Mr. HUGHES. As the gentleman knows, one of the main concerns, the main concern actually of the recreational divers, is that they will be denied access. I had hoped that we could develop specific legislation to require the States to develop management plans to provide that, of course, with those exceptions that deal with health and safety and other factors that would be relevant to particular wrecks.

Can the gentleman tell me if in fact the States do not provide access to recreational divers, what is the recourse?

Mr. VENTO. The recourse would be obviously court, but it is the intent of that section that the responsibility of

the State is to guarantee recreational access. That would be for recreational purposes, not to go into a salvage operation or to remove or destroy this resource. As the gentleman from Florida points out, the price of discovery should not be destruction of the resource, and I think we all agree with that.

Mr. HUGHES. The gentleman would agree that, in fact, any State plan that does not provide recreational divers access to wrecks would violate Federal policy?

Mr. VENTO. If the gentleman will yield, it would not be consistent with the policy of the law and the intent of this measure.

Mr. HUGHES. I listened to the gentleman from North Carolina [Mr. JONES], the distinguished chairman of the full Merchant Marine and Fisheries Committee. I noticed in his statement that he indicated very clearly that it is the intent of the Merchant Marine and Fisheries Committee in passing out S. 858 to in fact guarantee that access by recreational divers.

I wonder if the gentleman from North Carolina would tell me that it is unquestionably the intent of the Merchant Marine and Fisheries Committee to guarantee the recreational divers access to these wrecks?

Mr. JONES of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I yield to the gentleman from North Carolina.

Mr. JONES of North Carolina. The gentleman is absolutely correct.

We do not do anything to harm the recreational divers. I think some of them have begun to realize that the bill does not harm them, as they thought at one time. We have taken every safeguard we could in language in the bill to protect their rights.

Mr. HUGHES. I thank the gentleman for his answer.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Of course, while the committee expects the sport divers to be allowed access to the historic shipwrecks to the fullest extent practicable, considering safety and the fragility of particular shipwrecks, those would be legitimate exceptions that would of course come under the responsibility of the States.

Mr. HUGHES. I understand. I would just say I share many of the concerns expressed by my colleague from California insofar as clarifying some of these points in the legislation. I voted in the committee to report out S. 858 because I think it is a good bill on balance. I would have much preferred to have addressed some of the issues we have talked about today more directly, including the question of whether or not there would be access to Federal courts to in fact initiate rights.

I just want to say I think it is the intent of the Congress to guarantee recreational divers access, and I just regret that given the situation in the other body in particular and the fact that we have been 8 years attempting to develop legislation, and the gentleman from Florida [Mr. BENNETT] has just led this fight admirably for 8 years, it is time to enact legislation and I intend to support this bill.

Mr. VENTO. I appreciate the gentleman's observations. If he will yield further, after 8 years, after the Senate has moved and taken some action, obviously there are many who would attempt to again submarine these bills. But I also want to point out to the gentleman that this has the support of the administration. We have resolved most of the questions. It is a modest step, but it is a necessary first step to give at least the States the opportunity to spend their money in trying to protect these rather than trying to be in court. That is where they are today, in the Admiralty Courts, with no rights for these historic resources which are so much an important part of our American legacy.

Mr. HUGHES. I thank the gentleman and I agree with my colleagues. I also agree with the gentleman from Florida [Mr. SHAW] who made the observation I think that all users are going to thank the day that the Congress did step in and provide some protection so that we can preserve many of these historic wrecks for antiquity, and at the same time guarantee all other users, salvors, recreational divers, and others who have a legitimate interest in exploring the vast majority of the wrecks which in fact happen to be nonhistoric, to have that right as a part of a recreational sport and for salvage purposes.

□ 1310

Mr. SHUMWAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to summarize a couple of points which I have made.

Any sports diver or salvor that might have an interest in a sunken shipwreck is going to approach that from various points of view.

Obviously, No. 1, there is a natural interest. No. 2, I suppose there is some degree of self-interest involved.

He wants to discover what is there and hopefully bring it up intact so that it might be preserved or sold in the marketplace or utilized for public inspection.

It seems to me, therefore, that as far as cultural resources are concerned and preserving the archeology is concerned, there is a great deal of awareness of those needs on the part of salvors and skin divers. Certainly if there is not, there are court mechanisms available under present law to see that

those particular needs are taken into account as this activity goes forward.

I have heard time and again from the proponents of this bill that it will affect very few shipwrecks. In fact, someone has said as few as 5 percent. Mr. Speaker, as I read section 6 it does not say just a few shipwrecks; it says the United States asserts title to any abandoned shipwreck that is embedded in submerged lands of a State. Virtually that is all of the shipwrecks within those submerged lands.

Finally, Mr. Speaker, I would just like to say that if we do want to preserve access to these shipwrecks on the part of sports divers, and that wish has been repeated several times during the debate here this afternoon, then why do we not legislate it in the bill? If we really want to manifest that as our intent, then I think we should enact it. The bill should therefore be amended to indicate that is the purpose of this body.

As it now stands, I would submit once again that access is only a wish; it is couched in predatory terms, it is not binding on States and there is no recourse mechanism in this legislation which would allow enforcement of a congressional wish list on the part of States.

Mr. Speaker, I respect the chairman very much in his position on this bill. He said we have taken every safeguard that we could. Mr. Speaker, I do not believe we have. Until we have amended this bill in a responsible fashion, we should not vote it out of this body and send it to the President for his signature.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I regret that there has been such misinformation about this bill. Specifically, first, S. 858 does not I repeat—does not—contradict international law, as report language (H. Rept. 100-514, part I, analysis of section 3) makes clear: This is "not intended to constitute an assertion of U.S. sovereignty outside the U.S. territorial sea." This language was drafted with the assistance of the Department of State. Second, rather than conflicting with marine sanctuary law, the report language specifically states (section 7(B) that S. 858 does not affect the authority to designate or manage marine sanctuaries. Third, and most important, this bill does not apply to all shipwrecks. The shipwrecks covered here are only those that meet one of three tests—being embedded in State submerged lands, embedded in coralline formations or eligible for the National Register of historic places. U.S. title is asserted only for these shipwrecks, not for the majority that are not embedded or eligible for the National Register.

Marine geologists consulted explained that the process of becoming embedded—so that, in the words of the bill, the use of tools of excavation is required to move bottom sediments to gain access to the shipwreck—is a lengthy one, requiring “many decades.” A century would be an unusually short time for a ship to become embedded. Given that coral grows an average of one centimeter annually, becoming embedded in coral is also a very slow process. The key time test for the National Register of Historic Places is 50 years. This bill is not concerned with “recent shipwrecks”.

Finally, while the guidelines which will be prepared by the Secretary of the Interior are not binding on the States, the policy set forth in S. 858 clearly shows congressional intent. To make the guidelines binding on the States would change congressional policy toward State management of State submerged lands—policy clearly in place since the 1953 submerged lands act (to enforce these guidelines would require the establishment of a new Federal bureaucracy. I prefer to see the money used for greater protection of the shipwrecks.)

Much has been claimed about the effects of S. 858 on sport divers. The bill language specifically declares that it is the policy of Congress that States should, and I quote, from the measure before the House “Guarantee Recreational Exploration of Shipwreck Sites.” Indeed, this bill helps assure that sport divers will have something to dive on in the future. Report language reaffirms that divers should be given access to the maximum degree feasible. The bill certainly does not restrict diver access.

Mr. Speaker, S. 858 is limited in its scope and effect. It is a bill that the administrative supports. Unfortunately, it has been misrepresented and misunderstood. I hope my colleagues will see beyond the murky waters to see the value of the historic shipwrecks for us all, and to the need to pass S. 858.

Mr. Speaker, I summarize by saying that I understand some of the concerns of my colleague. But I would point out to him that this does have the strong support of the administration, and well it should. It has been considered by this House for four Congresses, for 8 years. The committees of jurisdiction, not myself specifically but Congressman BENNETT and Congressman WALTER JONES, chairman of the Committee on Merchant Marine and Fisheries, and many others labored long and hard on this particular policy.

We finally have the Senate which acted on the bill. I do not believe the bill ought to run the gauntlet again in terms of the Senate, in terms of the holes that are so common in that body, with a measure that is a really a

modest measure. This is a modest step. It takes what we call the submerged lands, ships that are embedded, which is defined by the bill—and coral grows about 1 centimeter a year, incidentally, in the areas where we have coral which accumulates. Not all areas have that. Or if they are embedded or if they are recognized in order to be on the Historic Preservation Register, they have to be at least 50 years old. So it then gives the responsibility for those limited number of ships in those areas, 5 percent I would say, maybe a little higher, it gives that responsibility to the States.

This is a States rights bill, Mr. Speaker. It says the States are going to have some authority over these historic resources because they carry out the policy in most of our historic resources in each of those States, just as they carry out certain responsibilities with regard to natural resources in those submerged land areas.

This is very consistent, it is a very small step. It does not deal with the breadth of historic resources which are maritime resources.

Where else do we permit—in other words, if you find a historic resource someplace in our great Nation, you discover it, that does not give you the right to destroy it. That does not give you the right. That is, of course, the case here.

We are operating under ancient law here established in the Mediterranean.

Today we are saying let that work here.

You cannot start taking samples away from this, which is by necessity destroying that which you are trying to preserve. We are saying let a policy exist where we go courtroom by courtroom, decision by decision, where there is litigation. What type of policy is that? No consistent policy.

For heavens sake, all we are seeking here is a policy that addresses the small number that are in the States areas. Twenty-seven States have acted. I think we can give them some responsibility with the guidelines we have here; insures port access, insures orderly process and preserves really what is our maritime historic legacy.

I think it is important that we do that. Not all of these ships have valuable items on them, that is valuable to the sports divers, something like gold or something like a plate that can be sold. The fact is that many of them, though, contain the very history of our young Nation. I hope that we can take the step this week to pass this overwhelmingly with administration support, the support of Governor Schaefer and many, many Members of the Senate and House who have come forth in these areas and recognized it. The Speaker of the House, JIM WRIGHT, very interested in this particular issue, offered a statement before the committee.

I hope we can march forward and really take this modest step in line with the other laws that we have passed in this century, some of them rather recently, as we begin to understand and appreciate our cultural heritage.

This is a small step, Mr. Speaker.

With that I ask the Members for their support.

Mr. LOWRY of Washington. Mr. Speaker, I would like to rise in support of S. 858, and briefly explain what this bill does and what it doesn't do, and I would also like to give some brief background in terms of the context of this particular bill, S. 858.

First, S. 858 is very similar to H.R. 74, which was originally introduced by our colleague, Mr. BENNETT, who has been a leader on this issue for a number of years. The primary purpose of S. 858 is for the Federal Government to assert and transfer to the States title to certain abandoned shipwrecks which are embedded in State submerged lands, State-protected coral formations, or are determined eligible for the National Register of Historic Places.

The legislation also requires the Secretary of the Interior to prepare guidelines to assist States in developing legislation and regulations for managing these shipwrecks. Specifically, these guidelines include the following:

First, the enhancement of cultural resources;

Second, the fostering of partnership or cooperation among sport divers, fishermen, archeologists, and salvors;

Third, the facilitating of recreational access; and

Fourth, the recognition of the interest of those engaged in discovery and salvage.

Finally, the legislation encourages States to create underwater parks and clarifies that funds from the Historic Preservation Fund may be used to study, interpret, protect, and preserve historic shipwrecks.

To reiterate, Mr. Speaker, the primary purpose of this legislation is for the Federal Government to assert title and transfer to the States the title to certain abandoned shipwrecks which are found in State waters only. In effect, Mr. Speaker, this would remove certain shipwrecks which are of historic and archeological significance to the States from Federal Admiralty Court jurisdiction and the “law of finds.” I might add, this does not mean that the historic shipwrecks could not be salvaged. It only means that the State would clearly have title to the shipwreck and would be in a position to ensure that any salvage operation was carried out properly. The State would be able to ensure that the plan for the recovery of the ship's “valuables” include the careful documentation which goes along with preserving the ship's historical and archeological values as a window into the past.

I would like to stress here that the recovery of a ship's treasures, its cultural and historical resources, is a one-time opportunity—and it should be done properly. I believe that this legislation would assist the States in ensuring that it is done properly.

In addition, Mr. Speaker, I would like to respond to some of the points which have been

raised in opposition to this legislation. First, this bill does not deny access to shipwrecks for recreational divers. In fact, the bill encourages recreational access to shipwrecks.

Second, this bill does not affect all shipwrecks in territorial water as alleged by some of its opponents. It only affects those classes of vessels which are: First, embedded in submerged lands of a State; second, embedded in coralline formations protected by a State on submerged lands; and third, on submerged lands of a State and included on the National Register of Historic Places. Given the States' incentive to only include those vessels which are truly of historical and archaeological significance, and given accompanying report language which further clarifies the term "embedded," it is very clear that this legislation does not apply to all vessels in the territorial sea.

Finally, opponents assert that this bill is inconsistent with international law and the management of the National Marine Sanctuaries. As chairman of the Subcommittee on Oceanography, which oversees matters both with respect to the International Law of the Sea and the National Marine Sanctuaries Program, I can assure Members that this is simply not the case. In fact, Mr. Speaker, committee report language accompanying S. 858 specifically addresses these points.

Finally, Mr. Speaker, with respect to the context of this legislation, I would like to point out that the Subcommittee on Oceanography did consider this legislation and reported out H.R. 74, favorably. S. 858 is almost identical to H.R. 74, and some of the areas where the bills differ slightly have been dealt with properly in the reports filed by both the Committee on Merchant Marine and Fisheries and the Committee on Interior and Insular Affairs. Therefore, Mr. Speaker, I would urge that we pass S. 858, unamended.

Mr. Speaker, I would again like to compliment Mr. BENNETT for his steadfast leadership on this important legislation. I know that he has persisted in moving this legislation because of his strong views about the values of historic preservation and the value that these shipwrecks will have for future generations as a window to the past.

Mr. Speaker, I would also like to compliment Mr. VENTO and Mr. UDALL and their staff for their fine work in moving this legislation along.

Mrs. MORELLA. Mr. Speaker, I rise to urge my colleagues to join me in support of the Abandoned Historic Shipwreck Act, which I believe will benefit the historical interests of both our Nation and the States, and equally benefit the private involvement of divers and the diving industry.

Last week a group came to my office representing both sports-orientated scuba divers, and those whose livelihood depends on providing goods and services connected with diving, including the tourist business. I realized after talking to them that confusion exists not over the intent of the bill, nor what it says, but over what may happen if the bill is enacted.

As a cosponsor of H.R. 74, I would like to share with you why this bill is so important to Maryland, important enough to be a top priority item for Governor Schaefer. We have in Maryland waters at least 300 historically important shipwrecks. Admiralty Court salvage

law will not protect many of these historical artifacts, nor was it intended to do so. This legislation will allow for that protection through State management where, in fact, all legitimate diving interests can be heard in the decisionmaking process.

There already is a bill pending in the Maryland State Legislature which both protects and benefits diving. It will allow for sport divers without any permits to be free to explore anywhere on the ocean floor. With "two hands and a camera" there are absolutely no restrictions, and, in fact, sports divers are free to pick up any remnants that are not embedded. No, they will not be able to bring down excavating equipment of any sort. They cannot, as happened recently, claim they were sport divers and use torches to cut apart the remains of the *New Jersey*, a Civil War wreck lying in the bottom of the Patuxent River.

After reading the Senate and House report on the Abandoned Shipwreck Act, I believe that every effort has been made to establish fair guidelines for State management of these shipwrecks. The subcommittee and committee votes on this have been unanimous. It is only misinformation that is casting any shadow on its passage. I believe that this bill is needed now, before any more historic losses occur to unscrupulous salvagers. A veritable "time capsule" of understanding and appreciation for our past lies buried in those 300 historic shipwrecks embedded off Maryland shores. This legislation will allow all of us to share in the knowledge that will be gained by their preservation.

Thank you, Mr. Speaker, for allowing me this time to urge unanimous action on S. 858.

Mr. DAVIS of Michigan. Mr. Speaker, the recent discovery of a number of historic shipwrecks, whether they be in Federal or State waters, underscores the interest the American public has in these underwater treasures. My office has been flooded with mail concerning S. 858 that we are considering today.

Recreational divers have urged me not to support these bills because of the danger that a State could shut the door on diving access to many of these wrecks, depriving them of an enjoyable and harmless hobby and driving those who operate diving operations out of business. Salvors also protest this legislation, citing the Admiralty law provisions in our Constitution and the specter of huge penalties.

On the other hand, historic preservationists admonish me to vote for passage of the Senate bill with no changes, fearing that if the bill should be returned to the other Chamber, it would never see the light of day again and valuable pieces of our history would be lost due to unscrupulous salvors and divers.

I think the truth is somewhere between the two.

S. 858 is not a perfect bill and may create more problems than we realize now. Mr. SHUMWAY, our ranking member on the Oceanography Subcommittee, who has been a leader in developing responsible shipwreck legislation, has drafted a number of amendments which go a long way in fixing serious deficiencies. I have joined with him and others on the committee to file additional views in our committee's report on this legislation that detail these deficiencies. I hope that

you will listen to him and seriously consider the points that he is making. Concerns have been voiced in Michigan that administration of this bill may undermine and complicate the management of shipwrecks in national lake-shores.

During the committee markup, I also prepared an amendment regarding diving safety, based on section 503 of my bill, H.R. 1922, which related directly to the activities surrounding shipwreck exploration recovery operations. I believe we should not forget our responsibility regarding maritime safety in any legislation we pursue. My proposed amendment would have recognized the use of the traditional divers flag and the right of the States to regulate recreational diving safety within their waters. In recent years confusion has developed between the requirements of Federal law under the Inland Navigation Rules Act of 1980 and various State regulations that govern diving activities. In particular, the proper signal to display when diving has been particularly troublesome. The States that have elected to regulate diving safety call for the display of a divers flag which is traditionally recognized as a bright or fluorescent red flag having a diagonal white stripe. The Federal rules, however, do not recognize this traditional safety signal.

In title II of Public Law 98-498 entitled "Marine Safety," two Coast Guard safety advisory bodies, the Rules of the Road Advisory Council and the National Boating Safety Advisory Council, were directed to study this problem and to make recommendations regarding safety and recreational diving operations and navigation. Both safety councils recommended that the regulation of recreational diving safety and the need for the display of the traditionally recognized divers flag was best left to the States and that no Federal legislation or regulation was required.

My proposal merely would have recognized the role of the States in regulating recreational diving safety and removed any ambiguity or conflict between the State regulations and the Federal navigation rules. No new Federal regulations would have been required as a result of this change. The provision would have emphasized that the display of the divers flag should not interfere with commercial navigation. Further, it would have encouraged the States to coordinate their regulations so that they are as uniform as possible and urges the U.S. Government to propose consideration of the traditional divers flag as a safety measure by the international community. No interference with commercial vessel traffic would have been permitted.

Finally, this amendment would not have exempted divers from compliance with the Inland Navigational Rules where they apply. It would, however, have enabled the recreational diving community to enjoy its activities without the fear of technically being out of compliance with the Federal navigational rules which were designed for commercial operations. I hope we can correct this deficiency and pursue this needed statutory change either as an amendment to this bill or in separate legislation as soon as possible.

Further, I note that in the committee's report on section 5(b) of S. 858, we encour-

age the formation of a committee to balance the concerns of various interest groups in developing guidelines under the legislation. It is my expectation that the committee will be formed under the requirements of the Federal Advisory Committee Act.

Mr. Speaker, I do agree that we need to have Federal legislation which sorts out the conflicting court decisions regarding the control over these shipwrecks. Michigan, fortunately, does not share this problem, and offers a model to the rest of the coastal States for managing these important resources. I urge my colleagues to vote against S. 858 in the hope that we pass an amended bill that will create balanced shipwreck management programs, with access to all groups who have a stake in this area. It is our responsibility to remove the flaws in S. 858 and approve the best possible legislation.

Mr. FIELD. Mr. Speaker, I rise in strong opposition to S. 858, the so-called Abandoned Shipwreck Act of 1988.

Frankly, this bill has no business being considered under suspension of the rules. It is flawed in a number of important ways and Members of this body should have an opportunity to offer amendments to improve it.

I believe the amending process is particularly important in light of the fact that our colleague from California, Congressman NORM SHUMWAY, has an amendment to protect the rights of sport divers, which I have yet to hear a single word of opposition. In fact, the House sponsor of this bill, Mr. BENNETT, has not only indicated that he supports the Shumway amendment, but that he would introduce legislation to eliminate this major deficiency in S. 858.

Mr. Speaker, this is the wrong way to legislate. Let's improve S. 858 here and now and let's stop worrying about what the other body will or will not do. In their unrelenting attempt to avoid real debate, the proponents of this legislation have asked us to accept a flawed bill by denying this body its legitimate right to work its will.

During our committee's consideration of S. 858, there were several amendments offered which address the concerns of our Nation's 4 million sport divers, the Department of State, and several other groups which are deeply troubled about certain provisions in this bill.

What is wrong, Mr. Speaker, with giving this body the chance to vote "up or down" on each of these amendments? Isn't that how our legislative process in this, the people's body, is supposed to work?

Mr. Speaker, in addition to the procedural problems I have in bringing up S. 858 today, I also have a number of serious reservations about this legislation which I would like to discuss.

Before doing that, however, I would like to briefly touch upon the origins of this legislation. As many of my colleagues may know, this bill is a direct result of the failure of the State of Florida to win its battle against Mel Fisher in Federal district court.

After more than 7 years of litigation and hundreds of court challenges, the State of Florida was unable to convince even one Federal judge that it had any legal basis or right to the *Atocha* treasure.

While the State had no success in court, Federal District Judge James Lawrence King made admiralty law work in that case by establishing an "East Coast Shipwreck project." As a result of this cooperative effort involving private salvors, archeologists, and sport divers, more archeological data was gained from the shipwrecks of the 1715 Spanish Plate Fleet in Florida waters than had been collected during the entire 20-year program controlled by the State of Florida.

Unfortunately, the State of Florida refused to accept the mandate of the courts and instead turned its attention to the U.S. Congress. As a result, the first Abandoned Shipwreck Act was born.

While proponents will argue that their sole interest is the protection of the abandoned shipwrecks, the real goal of this legislation is to severely restrict, if not prohibit, access to these vessels.

S. 858 is a blatant political attempt to throw out 200 years of admiralty law, and the precedents of hundreds of court cases, by granting to the States, with little or no guidelines or restrictions, ownership to these vessels.

And, once States have these vessels, how will they manage these resources? Well, if past history is any indication, the answer is: Not very well. We have already seen a number of States, including my own, enact regulations which outlaw all private salvage operations and restrict sport diver access.

Mr. Speaker, there are no reported cases where a shipwreck under the jurisdiction of Federal admiralty court has been destroyed. Yet, States have a number of blights on their record. For instance, no one talks about the H.M.S. *Debraak*, an 18th-century British warship which sank off the coast of Delaware. In this case, the State of Delaware attempted to salvage this important vessel and ended up destroying it. Instead of following prescribed archeological procedures, the State yanked the ship from its watery grave, deposited it in the open air for several weeks without proper preservation, and then dumped it into a big hole at one of its State parks.

What you ended up with was a shattered piece of junk instead of a beautiful underwater monument which could have been enjoyed by thousands of recreational divers.

And what about the 572 artifacts found by Mel Fisher that the State of Florida confiscated and then lost during the 7 years of court litigation. If a State can't even safeguard a few valuables, can we really expect that they are going to protect hundreds of shipwrecks. Sadly, the answer is no.

Mr. Speaker, these examples clearly indicate that State ownership is not a guarantee of historical preservation or protection. The private sector can and has provided adequate protection for the public interest. And the *Atocha* is a good example of that—more than half of the *Atocha* treasure will end up in museums and galleries for the enjoyment of all Americans.

Mr. Speaker, sadly, I must conclude that by enacting this legislation we will end up doing far more harm than good. Without the incentive to find these vessels, they will not be found, and they will continue to deteriorate off the coast of States throughout America. And, the real losers are the American people—as

they will be denied the opportunity to enjoy and appreciate this important part of our history.

Finally, while much has been said about the protection of the rights of the 4 million sport divers in this Nation, there is nothing in S. 858 which guarantees or mandates sport diver access to any shipwrecks in State waters.

While it is true that the author of this bill has included a "Sense of Congress" statement about reasonable access to the general public, this provision is unenforceable and nonbinding. Once enacted, the State can and will restrict access to these vessels.

I was hoping that at a minimum we would include language in this bill which guarantees sport divers the opportunity to continue to enjoy their hobby. As one of my constituents so articulately stated, "There is no desire on the part of sport divers to destroy items of historical significance. In fact, more items are on public display as a result of artifacts they have donated to museums and galleries than from any other source, including archeologists."

To restrict sport diving access is also counterproductive because there is no question that it is the sport diver and not the professional archeologist who finds the vast majority of shipwrecks. According to the Atlantic Alliance for Maritime Heritage Conservation, in 1 year, sport divers discovered more than 2,500 wrecks while Federal and State archeologists together found less than 200. And of all these finds, there has never been anyone who has sighted examples of looting, scavenging, or destruction of these ships or their artifacts.

Mr. Speaker, the authors of this bill don't like to hear this but admiralty law worked well: shipwrecks and artifacts have not been destroyed. Moreover, admiralty law provides the necessary incentive for private individuals to go out and discover shipwrecks and it assures access to all interest groups.

Mr. Speaker, we must not discriminate against these 4 million Americans and those latter-day Christopher Columbus' who are willing to find and salvage these shipwrecks in a proper, safe, and archeologically-sound way.

I urge my colleagues to vote "no" on this bill so that it can be considered, as it should, in the normal and proper legislative manner.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill, S. 858.

The question was taken.

Mr. SHUMWAY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

Mr. SHUMWAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3217. A letter from the Secretary of Defense transmitting the sixth quadrennial review of military compensation: interim report on Reserve retirement, pursuant to 37 U.S.C. 1008(b); to the Committee on Armed Services.

3218. A letter from the Deputy Assistant Secretary for Procurement, Office of the Assistant Secretary of Defense, transmitting the annual report of independent research and development and bid and proposal costs, pursuant to 10 U.S.C. 2358 note; to the Committee on Armed Services.

3219. A letter from the Secretary of Defense transmitting notification of a report submitted on the Titan IV program that this system has exceeded its baseline unit cost by more than 15 percent, pursuant to 10 U.S.C. 2431(b)(3)(A); to the Committee on Armed Services.

3220. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize certain construction at military installations for fiscal year 1989, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Armed Services.

3221. A letter from the Auditor, District of Columbia, transmitting a copy of his report entitled, "Review of Contract Between the District of Columbia Board of Education and Willie L. Leftwich, P.C. Relating to Asbestos Removal in D.C. Public Schools," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

3222. A letter from the Auditor, District of Columbia, transmitting a copy of his report entitled, "Duplicate Payment For The Same Course Taught," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

3223. A letter from the Secretary of Education, transmitting a report on the vocational rehabilitation of migrant and seasonal farmworkers; to the Committee on Education and Labor.

3224. A letter from the Director, Office of Legislative Affairs, Agency for International Development, transmitting the report of economic conditions prevailing in Egypt which may affect its ability to meet international debt obligations and stabilize its economy pursuant to 22 U.S.C. 2346 note; to the Committee on Foreign Affairs.

3225. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting copies of the original report of political contributions by E. Allan Wendt, of California, for rank of Ambassador during his tenure as Senior Representative for Strategic Technology Policy in the Office of the Under Secretary of State for Coordinating Security Assistance Programs, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3226. A letter from the Assistant Secretary of State, Legislative Affairs, transmitting copies of the original report of political contributions by Robert S. Gelbard, of Washington, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Bolivia, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

3227. A letter from the Assistant Secretary for Legislative Affairs, Department of

State, transmitting notification of a request from the Government of Egypt that the U.S. Government permit the use of foreign military sales financing for the purchase of M-1A1 tanks for assembly in Egypt, pursuant to section 42(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3228. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting determination of the President that certain U.N. specialized agencies have complied with decisionmaking procedures on budgetary matters prior to any U.S. payment to their assessed budget for calendar year 1987, pursuant to Public Law 100-204, Section 702; to the Committee on Foreign Affairs.

3229. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

3230. A letter from the General Counsel, Legal Services Corporation, transmitting the Corporation's annual report of its activities under the Freedom of Information Act during calendar year 1987, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

3231. A letter from the USPS Records Officer, U.S. Postal Service, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552(a)(o); to the Committee on Government Operations.

3232. A letter from the Chairman, Federal Election Commission, transmitting reports regarding the receipt and use of Federal funds by candidates who accepted public financing for the 1984 Presidential primary and general elections, pursuant to 26 U.S.C. 9009(a)(5)(A); 26 U.S.C. 9039(a); to the Committee on House Administration.

3233. A letter from the Comptroller General, transmitting the report and recommendation of the General Accounting Office concerning the claim of Merrill L. Johnson-Lannen for reimbursed relocation expenses, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

3234. A letter from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation, "Interpol Authorities Act of 1988," pursuant to 31 U.S.C. 1110; to the Committee on the Judiciary.

3235. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1989 and 1990 for certain maritime programs of the Department of Transportation, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Merchant Marine and Fisheries.

3236. A letter from the Secretary of Transportation, transmitting a report on the enforcement of vehicle weight limitations for the period from October 1984 through September 1985, pursuant to 23 U.S.C. 141 note; to the Committee on Public Works and Transportation.

3237. A letter from the Assistant Secretary for Civil Works, Department of the Army, transmitting a final survey report and environmental impact statement on the Alenaio Stream and other harbors and rivers in Hawaii; to the Committee on Public Works and Transportation.

3238. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for activities

under the Federal Fire Prevention and Control Act of 1974, pursuant to 31 U.S.C. 1110; to the Committee on Science, Space, and Technology.

3239. A letter from the Chairman, National Research Council, transmitting a report on the quality control systems for the AFDC and Medicaid programs, pursuant to 42 U.S.C. 603 note; jointly, to the Committees on Ways and Means and Energy and Commerce.

3240. A letter from the Secretary of Energy, transmitting the 1987 annual report on the high-level radioactive waste management demonstration project at the Western New York Service Center, West Valley, NY, pursuant to 42 U.S.C. 2021a note; jointly, to the Committees on Energy and Commerce; Interior and Insular Affairs; and Science, Space, and Technology.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 11. A bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1987, 1988, and 1989, and for other purposes; with amendments (Rept. 100-158, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. S. 858. An act to establish the title of States in certain abandoned shipwrecks, and for other purposes (Rept. 100-514, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on Mar. 24, 1988, the following reports were filed on Mar. 25, 1988]

Mr. BROOKS: Committee on Government Operations. Report on failing the test: Proficiency standards are needed for drug testing laboratories (Rept. 100-527). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on defense subcontractors gain windfalls in overpriced non-competitive defense contracts (Rept. 100-528). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on duplicative threat simulators waste millions and compromise testing of vital weapons (Rept. 100-529). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on ready reserve force ship management controversy risks national security. (Rept. 100-530). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on equal access to health care: patient dumping (Rept. 100-531). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 3932. A bill to amend the Presidential Transition Act of 1963 to provide for a more orderly transfer of executive power in connection with the expiration of the term of office of a President;

bring a civil action on such claims and who neither had their claims conciliated by the Commission nor received notification of the disposition of their charge and their right to sue.

It is grossly unfair to allow older workers, who may have a legitimate age discrimination claim, to be denied a fair chance to pursue their claims in court. This bipartisan bill is essentially straightforward in its intent. To protect those individuals unjustly harmed by the Commission's inaction, I urge the Members of the House to vote in favor of the Age Discrimination Claims Assistance Act.

Mr. BONKER. Speaker I am very pleased that the House has acted so quickly on the Age Discrimination Claims Assistance Act, S. 2117. This legislation is extremely important to many older Americans who may have been discriminated against by their employers on the basis of their age and have subsequently been deprived their due process rights as a result of inaction and bad management at the Equal Employment Opportunity Commission [EEOC]. I hope that my colleagues will show their unanimous support for this measure.

I congratulate Mr. HAWKINS, chairman of the Education and Labor Committee, for introducing H.R. 4107, the House companion bill to S. 2117, and for bringing this legislation before the House today. I am proud to be a cosponsor of the chairman's bill. Mr. HAWKINS has been an advocate for strong enforcement of the Age Discrimination in Employment Act [ADEA] for many years. He and Senator MELCHER have developed a fair and effective solution to the problems that the EEOC has created.

Mr. Speaker, as a member of the Select Committee on Aging since it was created in 1974, I have had an excellent opportunity to monitor the effectiveness of the EEOC, which has been charged with the responsibility of enforcing the ADEA since 1979. The ADEA balances the rights of employers to have managerial control and the rights of older workers to have their employment based on ability and performance rather than age. As the number of older Americans increases we will likely see more cases of age discrimination. In fact, we have seen a substantial increase in the number of charges filed under the ADEA in recent years. This has increased the importance of the EEOC in protecting the welfare of older adults.

Unfortunately, the EEOC has not adequately responded. I believe that the need for our action today is a result of this administration's lack of commitment to fighting discrimination in our society. They have shown their contempt for the intent of Congress regarding the ADEA on numerous occasions. A former EEOC official called EEOC's actions:

Mind-boggling incompetence, wholesale and systematic management failure, and gross insensitivity to the devastating effects of age discrimination upon its victims and our society.

On January 28, 1988, the Aging Committee conducted a hearing to consider the quality of enforcement of the ADEA by the EEOC. We were shocked by the marks that the EEOC received from our witnesses; they failed miserably. For example, the testimony of Mr. Charles E. McKeag III, a former Goodyear Tire

& Rubber Co., executive, was a heartwrenching account of the failure of EEOC to uphold his rights and protect his future security by allowing the statute of limitations to run out on his case. Furthermore, we have learned from the EEOC that there are over 900 similar charges that have been allowed to exceed the ADEA's 2-year statute. The Seattle, WA, District Office of the EEOC reports some 50 charges which have slipped past the statute of limitations. These working men and women have lost their day in court unless we in Congress act to correct EEOC's mistakes. The EEOC failed to protect the rights of almost 1,000 persons and failed to process their claims so that they could protect themselves by pursuing civil action.

This bill, S. 2117, will extend the already expired statute of limitations for an 18-month period for persons whose claims were affected by EEOC inaction. This will assist those who filed timely charges with the Commission after December 31, 1983, but did not bring a civil action on their claims, and who neither had their claims conciliated by the EEOC nor were notified of the disposition of their charge and their right to sue. In addition, this legislation requires the EEOC to notify these persons of their rights under the ADEA and that they have been granted an 18-month extension of the statute of limitations. It also includes a requirement that the Commission submit periodic reports to Congress regarding the number of persons with claims, the number of persons notified, and the disposition of their charges. It is my hope that these provisions will assist those that have been denied their rights under the law and prevent future necessity for such corrective action.

Mr. Speaker, we must make no mistake about age discrimination; it is a devastating form of unfair treatment which inflicts economic, psychological, and social hardships on its victims. Recourse is often too late and too little for a person whose career has been shattered with the quick blow of a company trying to reduce its payroll. I believe that those of us who support the goals of the ADEA have been and will continue to be willing to support the necessary funding to allow the EEOC to do its job well. However, it will take more than just money to effectively run the EEOC; it will take a stronger commitment from its Chairman, Mr. Thomas, and the administration. I regret that the legislation that we pass today will not provide those important ingredients to a successful fight against age discrimination. But it will help 1,000 older Americans whose legal rights were brushed aside by neglect and incompetence.

Mr. MARTINEZ. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. MARTINEZ] that the House suspend the rules and pass the Senate bill, S. 2117.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

COMMUNICATIONS FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
March 29, 1988.

Hon. JIM WRIGHT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received at 9:30 a.m. on Tuesday, March 29, 1988, the following message from the Secretary of the Senate: That the Senate passed without amendment H.R. 4263.

With great respect, I am,

Sincerely yours,

DONALD K. ANDERSON,
Clerk, House of Representatives.

□ 1510

ABANDONED SHIPWRECK ACT OF 1987

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the unfinished business is the question de novo of suspending the rules and passing the Senate bill, S. 858.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the Senate bill S. 858.

The question was taken.

Mr. SHUMWAY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 263, nays 139, not voting 30, as follows:

[Roll No. 461]

YEAS—263

Ackerman	Bates	Boland
Akaka	Beilenson	Bonior
Anderson	Bennett	Bonker
Andrews	Bentley	Borski
Annunzio	Bereuter	Bosco
Aspin	Berman	Boucher
Atkins	Bevill	Boxer
AuCoin	Bilbray	Brennan
Barnard	Boehert	Brooks
Bateman	Boggs	Brown (CA)

Brown (CO) Jeffords Price (NC)
 Bruce Jenkins Pursell
 Bryant Johnson (CT) Rahall
 Bustamante Johnson (SD) Rangell
 Byron Jones (NC) Ravenel
 Campbell Jones (TN) Regula
 Cardin Jontz Richardson
 Carper Kanjorski Rinaldo
 Carr Kaptur Robinson
 Chapman Kastenmeyer Rodino
 Chappell Kennedy Rose
 Clarke Kennelly Rostenkowski
 Clay Kildee Roukema
 Clement Kleczka Rowland (CT)
 Coelho Kolter Rowland (GA)
 Coleman (TX) Kostmayer Roybal
 Collins Kuhl Russo
 Conte LaFalce Sabo
 Conyers Lancaster Saiki
 Cooper Lantos Savage
 Coyne Leath (TX) Sawyer
 Crockett Lehman (CA) Scheuer
 Darden Lehman (FL) Schroeder
 de la Garza Leland Schuette
 Dellums Levin (MI) Schumer
 Derrick Levine (CA) Sharp
 Dicks Lewis (GA) Shaw
 Dingell Lipinski Shays
 Dixon Lloyd Sikorski
 Donnelly Lowry (WA) Sisisky
 Dorgan (ND) Luken, Thomas Skaggs
 Downey MacKay Skelton
 Durbin Manton Slattery
 Dwyer Markey Slaughter (NY)
 Dymally Matsui Slaughter (VA)
 Dyson Mavroules Smith (IA)
 Early Mazzoli Snowe
 Eckart McCloskey Solarz
 Edwards (CA) McCurdy Spence
 English McDade Spratt
 Erdreich McEwen St Germain
 Espy McMillen (MD) Staggers
 Evans Mfume Stallings
 Fascell Michel Stark
 Fazio Miller (CA) Stokes
 Feighan Miller (OH) Stratton
 Flake Miller (WA) Studds
 Flippo Mineta Swift
 Foglietta Moakley Synar
 Foley Molloyhan Tallon
 Ford (MI) Montgomery Tauzin
 Gaydos Morella Thomas (GA)
 Gejdenson Morrison (CT) Torricelli
 Gilman Mrazek Towns
 Glickman Murtha Trafficant
 Gonzalez Myers Traxler
 Gordon Nagle Udall
 Gradison Natcher Upton
 Grandy Neal Valentine
 Gray (IL) Nelson Vento
 Gray (PA) Nichols Visclosky
 Guarini Nowak Volkmer
 Hall (OH) Oakar Walgren
 Hall (TX) Oberstar Watkins
 Hamilton Obey Waxman
 Harris Olin Weiss
 Hatcher Ortiz Wheat
 Hawkins Owens (NY) Whitten
 Hayes (IL) Owens (UT) Williams
 Hayes (LA) Panetta Wilson
 Hertel Patterson Wise
 Hopkins Pease Wolf
 Horton Pelosi Wolpe
 Hoyer Penny Wright
 Huckabee Pepper Wyden
 Hughes Perkins Yates
 Ireland Pickett Yatron
 Jacobs Pickle

NAYS—139

Alexander Burton DeWine
 Anthony Callahan Dickinson
 Applegate Chandler DioGuardi
 Archer Cheney Dornan (CA)
 Arney Coats Dreier
 Badham Coble Duncan
 Baker Coleman (MO) Edwards (OK)
 Ballenger Combest Emerson
 Bartlett Coughlin Fawell
 Barton Courter Fields
 Bilirakis Craig Fish
 Billey Crane Florio
 Broomfield Davis (IL) Frank
 Buechner Davis (MI) Frenzel
 Bunning DeLay Gallegly

Gallo Lukens, Donald Shuster
 Gekas Lungren Skeen
 Gibbons Mack Smith (FL)
 Gingrich Madigan Smith (NE)
 Goodling Marlenee Smith (NJ)
 Grant Martin (IL) Smith (TX)
 Green Martin (NY) Smith, Denny
 Gregg McCandless (OR)
 Gunderson McCollum Smith, Robert
 Hansen McGrath (NH)
 Hastert McMillan (NC) Smith, Robert
 Hefley Meyers (OR)
 Henry Molinari Solomon
 Herger Moorhead Stangeland
 Hiller Morrison (WA) Stenholm
 Hochbrueckner Nielson Stump
 Houghton Oxley Sundquist
 Hunter Packard Sweeney
 Hutto Parris Swindall
 Hyde Pashayan Tauke
 Inhofe Petri Taylor
 Kasich Porter Thomas (CA)
 Kolbe Quillen Vander Jagt
 Konnyu Rhodes Vucanovich
 Lagomarsino Ridge Walker
 Latta Ritter Weber
 Leach (IA) Roberts Weldon
 Lent Rogers Whittaker
 Lewis (FL) Roth Wortley
 Lightfoot Saxton Young (AK)
 Livingston Schaefer Young (FL)
 Lott Schulze
 Lujan Shumway

NOT VOTING—30

Biaggi Gephardt Mica
 Boulter Hammerschmidt Moody
 Clinger Helmer Murphy
 Dannemeyer Holloway Price (IL)
 Daub Hubbard Ray
 DeFazio Kemp Roe
 Dowdy Lewis (CA) Schneider
 Ford (TN) Lowery (CA) Sensenbrenner
 Frost Martinez Torres
 Garcia McHugh Wylie

□ 1532

The Clerk announced the following pair:
 On this vote:

Mr. Moody and Mr. Price of Illinois for,
 with Mr. Daub against.

Messrs. CRANE, SAXTON,
 HUNTER, SMITH of New Jersey,
 COATS, PARRIS, BURTON of Indi-
 ana, LEACH of Iowa, EDWARDS of
 Oklahoma, GREGG, RHODES,
 OXLEY, HILER, and BUECHNER
 changed their votes from "yea" to
 "nay."

Messrs. CARR, BROWN of Colora-
 do, ROSE, HARRIS, FLIPPO, HALL
 of Texas, and LEATH of Texas
 changed their votes from "nay" to
 "yea."

Mr. WEISS changed his vote from
 "present" to "yea."

So (two-thirds not having voted in
 favor thereof) the motion was reject-
 ed.

The result of the vote was an-
 nounced as above recorded.

PERSONAL EXPLANATION

Miss SCHNEIDER. Mr. Speaker, on
 rollcall vote No. 46, the Abandoned
 Shipwreck Act of 1987, S. 858, I was
 present on the floor and voted.

Inadvertently, however, the RECORD
 does not reflect my voting in the af-
 firmative.

I ask unanimous consent that my
 statement appear in the permanent
 RECORD following rollcall No. 46.

The SPEAKER pro tempore. Is
 their objection to the request of the
 gentlewoman from Rhode Island?
 There was no objection.

ANNUAL REPORT OF THE UNITED STATES-JAPAN COOP- ERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr.
 GRAY of Illinois) laid before the House
 the following message from the Presi-
 dent of the United States; which was
 read and, together with the accompa-
 nyng papers, without objection, re-
 ferred to the Committee on Energy
 and Commerce:

(For message, see proceedings of the
 Senate of today, Tuesday, March 29,
 1988).

RESERVING CERTAIN FEDERAL LANDS WITHIN LINCOLN COUNTY, NEVADA, FOR DE- PARTMENT OF THE AIR FORCE

Mr. VENTO. Mr. Speaker, I ask
 unanimous consent that the Commit-
 tee on Interior and Insular Affairs,
 and the Committee on Armed Services
 be discharged from further consider-
 ation of the Senate bill (S. 1508), to
 withdraw and reserve for the Depart-
 ment of the Air Force certain Federal
 lands within Lincoln County, NV, and
 for other purposes, and ask for its im-
 mediate consideration in the House.

The Clerk read the title of the
 Senate bill.

The SPEAKER pro tempore (Mr.
 GRAY of Illinois) Is there objection to
 the request of the gentleman from
 Minnesota?

Mrs. VUCANOVICH. Mr. Speaker,
 reserving the right to object, will the
 gentleman from Minnesota [Mr.
 VENTO] please explain what is involved
 in this legislation?

Mr. VENTO. Mr. Speaker, if the
 gentlewoman will yield, as I indicated
 earlier, I am seeking to call up the
 Senate-passed bill that deals with the
 withdrawal of the Groom Mountain
 area. If unanimous consent for consid-
 eration of the bill is granted, I will
 offer an amendment in the nature of a
 substitute that will add to the bill the
 other provisions that were included in
 the House-passed bill that dealt with
 this subject, including the designation
 of several wilderness areas in Nevada's
 national forests and the transfer of
 certain Nevada lands between the
 Bureau of Land Management and the
 Forest Service.

The House passed H.R. 2142, the
 Nevada bill, on December 1 last year.
 It included the language dealing with
 the Groom Mountain area that now
 has been passed by the Senate in S.
 1508, as well as the other provisions I

Mr. MICHEL. I am happy to yield to the majority leader.

Mr. FOLEY. We try to give Members assurances. I think the point is well taken that Members need to make plans in advance. If Members make plans not on the basis of the announced schedule months in advance but on the basis of some hope that we will have an interruption in the schedule and an early recess, I think that is the problem. I do understand the point of the gentleman from Iowa. Unfortunately in this case we cannot accommodate him.

Mr. MICHEL. Mr. Speaker, I yield back the balance of my time.

PROVIDING FOR ADJOURNMENT OF THE HOUSE FROM THURSDAY, MARCH 31, 1988, TO MONDAY, APRIL 11, 1988, AND ADJOURNMENT OR RECESS OF THE SENATE FROM THURSDAY, MARCH 31, 1988, TO MONDAY APRIL 11, 1988

Mr. FOLEY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 272) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 272

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, March 31, 1988, it stand adjourned until 12 o'clock meridian on Monday, April 11, 1988, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first, and that when the Senate adjourns or recesses, pursuant to a motion made by the majority leader, or his designee, in accordance with this resolution, on Thursday, March 21, 1988, it stand in recess or stand adjourned until 11 o'clock ante meridiem on Monday, April 11, 1988, or until 12 o'clock meridian on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the majority leader of the Senate, acting jointly after consultation with the minority leader of the House and the minority leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

□ 1845

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF S. 858, ABANDONED SHIPWRECK ACT OF 1987

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-544) on the resolution (H. Res. 421) providing for the consideration of the bill (S. 858) to es-

tablish the title of States in certain abandoned shipwrecks, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONFERENCE REPORT ON H.R. 1900, CHILD ABUSE PREVENTION, ADOPTION, AND FAMILY SERVICES ACT OF 1987

Mr. OWENS of New York submitted the following conference report and statement on the bill (H.R. 1900) to amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act to extend through fiscal year 1991 the authorities established in such acts:

CONFERENCE REPORT (H. REPT. 100-543)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1900), to amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act to extend through fiscal year 1991 the authorities established in such Acts, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Child Abuse Prevention, Adoption, and Family Services Act of 1988".

TITLE I—CHILD ABUSE PREVENTION AND TREATMENT ACT

SEC. 101. AMENDMENT TO THE CHILD ABUSE PREVENTION AND TREATMENT ACT.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Child Abuse Prevention and Treatment Act'.

"(b) TABLE OF CONTENTS.—The table of contents is as follows:

"TABLE OF CONTENTS

"Sec. 1. Short title and table of contents.

"Sec. 2. National Center on Child Abuse and Neglect.

"Sec. 3. Advisory Board on Child Abuse and Neglect.

"Sec. 4. Inter-agency Task Force on Child Abuse and Neglect.

"Sec. 5. National clearinghouse for information relating to child abuse.

"Sec. 6. Research and assistance activities of the National Center on Child Abuse and Neglect.

"Sec. 7. Grants to public agencies and non-profit private organizations for demonstration or service programs and projects.

"Sec. 8. Grants to States for child abuse and neglect prevention and treatment programs.

"Sec. 9. Technical assistance to States for child abuse prevention and treatment programs.

"Sec. 10. Grants to States for programs relating to the investigation and prosecution of child abuse cases.

"Sec. 11. Miscellaneous requirements relating to assistance.

"Sec. 12. Coordination of child abuse and neglect programs.

"Sec. 13. Reports.

"Sec. 14. Definitions.

"Sec. 15. Authorization of appropriations.

"SEC. 2. NATIONAL CENTER ON CHILD ABUSE AND NEGLECT.

"(a) ESTABLISHMENT.—The Secretary of Health and Human Services shall establish an office to be known as the National Center on Child Abuse and Neglect.

"(b) APPOINTMENT OF DIRECTOR.—

"(1) APPOINTMENT.—The Secretary shall appoint a Director of the Center. Except as otherwise provided in this Act, the Director shall be responsible only for administration and operation of the Center and for carrying out the functions of the Center under this Act. The Director shall have experience in the field of child abuse and neglect.

"(2) COMPENSATION.—The Director shall be compensated at the annual rate provided for a level GS-15 employee under section 5332 of title 5, United States Code.

"(c) OTHER STAFF AND RESOURCES.—The Secretary shall make available to the Center such staff and resources as are necessary for the Center to carry out effectively as functions under this Act. The Secretary shall require that professional staff have experience relating to child abuse and neglect. The Secretary is required to justify, based on the priorities and needs of the Center, the hiring of any professional staff member who does not have experience relating to child abuse and neglect.

"SEC. 3. ADVISORY BOARD ON CHILD ABUSE AND NEGLECT.

"(a) APPOINTMENT.—The Secretary shall appoint an advisory board to be known as the Advisory Board on Child Abuse and Neglect.

"(b) SOLICITATION OF NOMINATIONS.—The Secretary shall publish a notice in the Federal Register soliciting nominations for the appointments required by subsection (a).

"(c) COMPOSITION OF BOARD.—

"(1) NUMBER OF MEMBERS.—The board shall consist of 15 members, each of which shall be a person who is recognized for expertise in an aspect of the area of child abuse, of which—

"(A) 2 shall be members of the task force established under section 4; and

"(B) 13 shall be members of the general public and may not be Federal employees.

"(2) REPRESENTATION.—The Secretary shall appoint members from the general public under paragraph (1)(B) who are individuals knowledgeable in child abuse and neglect prevention, intervention, treatment, or research, and with due consideration to representation of ethnic or racial minorities and diverse geographic areas, and who represent—

"(A) law (including the judiciary);

"(B) psychology (including child development);

"(C) social services (including child protective services);

"(D) medicine (including pediatrics);

"(E) State and local government;

"(F) organizations providing services to disabled persons;

3283. A letter from the Comptroller General, transmitting a report on an estimate of the fair market value of the main post office in Denver, Colorado (GAO/GGD-88-51; March 1988), pursuant to Public Law 100-202. Jointly, to the Committees on Government Operations, Post Office and Civil Service, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. A report from back wards to back streets: The failure of the Federal Government in providing services for the mentally ill (Rept. 100-541). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. A report on here's the beef: Underreporting of injuries, OSHA's policy of exempting companies from programmed inspections based on injury records, and unsafe conditions in the meat-packing industry (Rept. 100-542). Referred to the Committee of the Whole House on the State of the Union.

Mr. HAWKINS: Committee of conference. Conference report on H.R. 1900 (Rept. 100-543). Ordered to be printed.

Mr. MOAKLEY: Committee on Rules. House Resolution 421. A resolution providing for the consideration of S. 858, an act to establish the title of States in certain abandoned shipwrecks, and for other purposes (Rept. 100-544). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DREIER of California (for himself and Mr. HAWKINS):

H.R. 4290. A bill to amend the Solid Waste Disposal Act to establish waste reduction, reuse and recycling as the primary method of solid waste management at both the Federal and State level; to the Committee on Energy and Commerce.

By Mr. BEREUTER:

H.R. 4291. A bill to amend the authority of the Corps of Engineers with respect to bank stabilization and shoreline erosion along the Missouri River; to the Committee on Public Works and Transportation.

By Mr. GONZALEZ:

H.R. 4292. A bill to require the Secretary of Housing and Urban Development to provide emergency mortgage assistance to homeowners; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BRYANT:

H.R. 4293. A bill to amend the copyright laws to provide compulsory licenses only to those cable service providers who provide adequate carriage of local broadcast signals, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. BUECHNER:

H.R. 4294. A bill to suspend until January 1, 1991, the duty on N-(2-hydroxyethyl)-

2,4,6-trilodo-5-[2(2,4,6-trilodo-3-(N-methylacetamido)-5-(methylcarbamoyle) benzamido acetamido]-isophthalamic acid; to the Committee on Ways and Means.

By Mr. CLINGER:

H.R. 4295. A bill to suspend temporarily the duty on 3-ethyl-8-hydroxyquinoline; to the Committee on Ways and Means.

H.R. 4296. A bill to suspend temporarily the duty on naphthalic acid anhydride; to the Committee on Ways and Means.

By Mr. COYNE (for himself, Mr. LEVIN of Michigan, Mr. DOWNEY of New York, Mr. MATSUI, Mr. DORGAN of North Dakota, and Mr. RICHARDSON):

H.R. 4297. A bill to amend title XVIII of the Social Security Act with respect to coverage of, and payment for, services of psychologists under part B of the Medicare Program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. CRAIG:

H.R. 4298. A bill to provide for the disposition of unclaimed property in the custody of the United States; to the Committee on Government Operations.

By Mr. DAUB:

H.R. 4299. A bill to extend the duty arrangement on certain unwrought lead for a period of 4 years; to the Committee on Ways and Means.

By Mr. DORGAN of North Dakota (for himself, Mr. BONIOR of Michigan, Mr. JEFFORDS, Mr. LEACH of Iowa, Mr. PENNY, and Mr. LELAND):

H.R. 4300. A bill to provide children's survival assistance for children who are victims of the Nicaraguan civil strife; jointly, to the Committees on Foreign Affairs and Appropriations.

By Mr. FLORIO:

H.R. 4301. A bill to authorize the United States Army Corps of Engineers to carry out a navigation project in Camden, NJ; to the Committee on Public Works and Transportation.

By Mr. GALLEGLY:

H.R. 4302. A bill to provide the penalty of death for certain killings of Federal law enforcement officers; to the Committee on the Judiciary.

By Mr. GOODLING:

H.R. 4303. A bill regarding the rates of duty on bone chinaware; to the Committee on Ways and Means.

By Mr. GUARINI (for himself, Mr. GIBBONS, Mr. FRENZEL, and Mr. RANGEL):

H.R. 4304. A bill to authorize the U.S. Customs Service to implement a pilot pre-clearance program for purposes of assessing the extent to which the availability of pre-clearance operations can assist in the development of tourism in the Caribbean Basin; to the Committee on Ways and Means.

By Mr. HAWKINS:

H.R. 4305. A bill to strengthen the protections available to private employees against reprisal actions for disclosing information, to protect the public health and safety, and for other purposes; to the Committee on Education and Labor.

By Mr. HAWKINS (for himself and Mr. GOODLING):

H.R. 4306. A bill to amend the National School Lunch Act to require eligibility for free lunches to be based on the nonfarm income poverty guidelines prescribed by the Office of Management and Budget; to the Committee on Education and Labor.

By Mr. HOYER:

H.R. 4307. A bill concerning the transfer of certain real property located in Prince

George's County, MD; to the Committee on the District of Columbia.

By Mr. HUNTER (for himself, Mr. ROBINSON, Mrs. BENTLEY, Mr. DAVIS of Illinois, Mr. WALKER, Mr. WORTLEY, Mr. GINGRICH, and Mr. SMITH of New Hampshire):

H.R. 4308. A bill to require the use of the Armed Forces for interdiction of narcotics at United States borders; jointly, to the Committees on Armed Services and the Judiciary.

By Mr. JEFFORDS:

H.R. 4309. A bill to make surviving spouses of judicial officials who died before October 1, 1986, eligible for increased annuities which are effective as of that date; to the Committee on the Judiciary.

By Mr. KASTENMEIER (for himself, Mr. MOORHEAD, Mr. FISH, Mr. EDWARDS of California, Mr. SYNAR, Mrs. SCHROEDER, Mr. MORRISON of Connecticut, Mr. BERMAN, Mr. BOUCHER, Mr. BRYANT, Mr. LUNGREN, Mr. DEWINE, and Mr. COBLE):

H.R. 4310. A bill to extend for an additional 5-year period certain provisions of title 17, United States Code, relating to the rental of sound recordings; to the Committee on the Judiciary.

By Mr. KOLTER:

H.R. 4311. A bill to amend the Internal Revenue Code of 1986 to permit taxpayers to increase their income tax by one dollar to be used for grants to reduce the costs of organ transplants, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. LEACH of Iowa (for himself, Miss SCHNEIDER, and Mr. ST GERMAIN):

H.R. 4312. A bill to authorize the provisions of trauma care for victims of the Nicaraguan civil war; to the Committee on Foreign Affairs.

By Mr. McEWEN:

H.R. 4313. A bill to amend the Appendix to the Tariff Schedules of the United States to suspend the duties on certain bicycle parts; to the Committee on Ways and Means.

By Mr. MADIGAN (for himself and Mr. DE LA GARZA):

H.R. 4314. A bill to establish a National Agricultural Product Technology Institute and to authorize the Institute to implement and carry out a program for applied research and development of new product uses for agricultural commodities, for the development of new production and processing methods and new industrial products using agricultural commodities, and for other purposes; to the Committee on Agriculture.

By Mr. MILLER of California:

H.R. 4315. A bill to provide for the inclusion of certain lands within the John Muir National Historic Site; to the Committee on Interior and Insular Affairs.

By Mr. NAGLE:

H.R. 4316. A bill to suspend until the close of December 31, 1990, the duty on sulfolachloropyridazine (technical); to the Committee on Ways and Means.

By Mr. RITTER (for himself, Mr. LAGOMARSINO, Mr. DAVIS of Illinois, Mr. WORTLEY, and Mr. BOEHLERT):

H.R. 4317. A bill to promote greater predictability in professional liability actions by establishing certain standards for liability and providing for other reforms; jointly, to the Committees on Energy and Commerce and the Judiciary.

H.R. 3850: Mr. MacKAY.
H.R. 3878: Ms. SLAUGHTER of New York.
H.R. 3907: Mr. GORDON, Mr. MacKAY, Mr. LEATH of Texas, Mr. MICA, and Mr. ROBINSON.

H.R. 4013: Mr. FLORIO.

H.R. 4024: Mr. DELLUMS, Mr. HOCHBRUECKNER, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. DE LUGO, Mr. FOGLETTA, and Mr. SHAYS.

H.R. 4066: Ms. PELOSI, Mr. DiGUARDI, Mr. MOLLOHAN, Mrs. MEYERS of Kansas, and Mr. SCHUMER.

H.R. 4071: Mr. BATES, Mr. BOSCO, Mrs. BOXER, Mrs. COLLINS, Mr. GLICKMAN, Mr. MORRISON of Connecticut, Mr. OWENS of New York, Mr. OWENS of Utah, and Mr. RANGEL.

H.R. 4078: Mr. DE LUGO.

H.R. 4212: Mr. MRAZEK, Mr. GRANDY, and Mr. HARRIS.

H.R. 4223: Mrs. VUCANOVICH.

H.R. 4247: Mr. STARK, Mr. BOUCHER, and Mr. SOLARZ.

H.J. Res. 374: Mr. BATEMAN and Mr. BURTON of Indiana.

H.J. Res. 417: Mr. GRANT, Mr. MAZZOLI, Mr. BORSKI, Mr. MOAKLEY, Mrs. BYRON, Mr. FISH, Mr. KANJORSKI, Ms. KAPTUR, Mr. TAUZIN, Mr. PARRIS, Mrs. ROUKEMA, and Mr. CHAPPELL.

H.J. Res. 429: Mr. MARKEY and Mr. MOAKLEY.

H.J. Res. 438: Mr. LEVINE of California, Mr. SKORSKI, and Mr. DE LA GARZA.

H.J. Res. 443: Mr. FISH, Mr. FRANK, Mr. GOODLING, Mr. HENRY, Mr. HUNTER, Mr. JONES of North Carolina, Mr. LEWIS of Georgia, Mr. LIVINGSTON, Mr. MACK, Mr. MARTINEZ, Mr. RAVENEL, Mr. RAY, Mr. ROSE, Mr. SAXON, Mr. SCHUMER, Mr. SPENCE, Mr. SUNIA, Mr. TOWNS, and Mr. VENTO.

H.J. Res. 464: Mr. COUGHLIN, Mr. EVANS, Mr. HATCHER, Mr. McGRATH, Mr. McCOLLUM, Mr. SKEEN, Mrs. MARTIN of Illinois, Mr. GRANDY, Mr. ROWLAND of Georgia, Mr. RHODES, Mr. WHITTEN, Mr. BROOKS, and Mr. HASTERT.

H.J. Res. 489: Mr. EMERSON, Mr. HALL of Ohio, Mr. FRENZEL, Mr. REGULA, Mr. LATTA, Mr. WYLIE, and Mr. LEWIS of California.

H.J. Res. 504: Mr. HENRY, Mr. GREEN, Mr. HOCHBRUECKNER, Ms. KAPTUR, Mr. CHAPMAN, Mr. LIVINGSTON, Mr. MRAZEK, and Mr. LUNGREN.

H.J. Res. 527: Mr. LANCASTER, Mr. YATES, Mr. LOWRY of Washington, Mr. CHAPPELL, Mr. SABO, Mr. WALGREN, Mr. YOUNG of Alaska, Mr. VALENTINE, Mr. DOWDY of Mississippi, Mr. EVANS, Mr. EDWARDS of Oklahoma, Mr. LELAND, Mr. RINALDO, Mr. WILSON, Mr. RODINO, Mr. SKELTON, Mr. PURSELL, Mr. CHANDLER, Mr. CAMPBELL, Ms. PELOSI, Mr.

HENRY, Mr. GEKAS, Mr. AuCOIN, Mr. KLECZKA, Mr. WYDEN, Mr. HERTEL, Mrs. MORELLA, Mr. FLAKE, Mr. RANGEL, Mr. LEHMAN of California, Mr. LIVINGSTON, Mr. McHUGH, Mr. MRAZEK, Mr. LEVINE of California, Mr. LUNGREN, Mr. COUGHLIN, Mr. DeFAZIO, Mr. OWENS of Utah, Mr. CLEMENT, Mr. BONIOR of Michigan, Mr. BROOMFIELD, Mr. BUSTAMANTE, Mr. DANNEMEYER, Mr. DeWINE, Mr. ERDREICH, Mr. GRAY of Illinois, Mr. HAYES of Illinois, Mr. JEFFORDS, Mr. KASICH, Mr. GALLO, Mr. FAZIO, Mr. DORNAN of California, Mr. KEMP, Mr. MACK, Mr. MOODY, Mr. WEBER, Mr. DICKS, Mr. CARPER, Mrs. BENTLEY, Mr. VANDER JAGT, Mr. BATEMAN, Mr. TORRICELLI, Mr. SYNAR, Mr. TALLON, Mr. BURTON of Indiana, Mr. SAXTON, Mr. HUTTO, Ms. SLAUGHTER of New York, Mr. HATCHER, Mr. LOWERY of California, Mr. MARTIN of New York, Mr. TAUZIN, Mrs. MARTIN of Illinois, Mr. GORDON, Mr. RITTER, Mr. PRICE of Illinois, Mr. KILDEE, Mr. NELSON of Florida, Mr. MARKEY, Mr. ARCHER, Mr. MORRISON of Connecticut, Mr. YATRON, Mr. SWINDALL, Mr. KONNYU, Mr. SHAW, Mr. BRUCE, Mr. FLIPPO, Mr. KOLBE, Mr. PEPPER, Mr. JACOBS, Mrs. JOHNSON of Connecticut, Mr. FAWELL, Mr. BUECHNER, Mr. McCOLLUM, Mrs. COLLINS, Mr. SMITH of Texas, Mr. FORD of Michigan, Mr. MARTINEZ and Mr. BORSKI.
H. Con. Res. 238: Mr. DAUB.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

149. By the SPEAKER: Petition of council of city of New York, NY, relative to food products; to the Committee on Energy and Commerce.

150. Also, petition of city of Tucson, AZ, relative to mass transportation; to the Committee on Public Works and Transportation.

151. Also, petition of Illinois State Board of Education, Springfield, IL, relative to energy physics; to the Committee on Science, Space, and Technology.

152. Also, petition of council of the city of New York, NY, relative to POW/MIA's being held in Southeast Asia; jointly, to the Committees on Armed Services, Foreign Affairs, and the Permanent Select Committee Intelligence.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

S. 858

By Mr. SHUMWAY:

—Section 4 of S. 858 is amended by striking: "it is the declared policy of the Congress that States carry out their responsibilities under this Act to develop appropriate and consistent policies so as to—" and substituting in its place: "any shipwrecks transferred to a State under Section 6 of this Act shall be managed by the State consistently with the guidelines prepared under Section 5 so as to—".

Section 4 is further amended by redesignating paragraph (b) as (c) and inserting a new paragraph (b) to read as follows:

"(b) FEDERAL JUDICIAL REVIEW.—Any dispute as to whether a state is properly implementing the rights of access requirements in paragraph (a) of this section is reviewable in the Federal District Court of jurisdiction for that state."

—Section 3 of S. 858 is amended by striking paragraph (a) and redesignating the remaining paragraphs accordingly.

Section 6(a) of S. 858 is amended by deleting paragraphs (1) and (2) in their entirety and deleting the remaining numerical designation "(3)".

And by inserting the word "historic" immediately before the words "shipwreck" or "shipwrecks" wherever they appear in the bill.

—Strike the term "submerged lands" wherever it appears in the bill and insert in lieu thereof "lands beneath navigable waters".

Section 3 is amended by striking paragraph (f) and redesignating paragraphs (c), (d), and (e), as (d), (e), and (f), respectively, and inserting a new paragraph immediately following paragraph (b) to read:

"(c) the term 'navigable waters' means those waters as defined by 33 U.S.C. 2316(7)."

Subsection (d) of Section 6 of S. 858 is amended by adding the following new sentence following "Indian tribe owning such lands.": "Shipwrecks retained by the United States under this subsection shall be managed consistently with the requirements in Section 4 and the guidelines prepared under Section 5 of this Act."

Section 6 of S. 858 is amended by adding the following new subsection:

"(g) NATIONAL MARINE SANCTUARIES.—This Act shall not affect the management of abandoned shipwrecks located within the boundaries of any National Marine Sanctuary now or hereafter established under Title III of the Marine Protection, Research and Sanctuary Act (16 U.S.C. 1431 et seq.)."

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLU- TIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1158: Mr. THOMAS A. LUKEN.
H.R. 1600: Mr. SMITH of Florida.
H.R. 4230: Mr. LEHMAN of Florida.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

S. 858

By Mr. DAVIS of Michigan:

—On page 5, line 13, strike the period and substitute a semicolon.

On page 5, after line 13, insert the following clause (5):

"(5) promote the safety of diving activities, including the display of a divers flag (traditionally recognized as a bright or fluorescent red flag having a diagonal white stripe)."

On page 7, after line 18 of S. 858, insert the following new subsection:

"SEC. 8. RECREATIONAL DIVING SAFETY.

"(a) It is the sense of Congress that—

"(1) the regulation of diving activities, including the display of a divers flag (traditionally recognized as a bright or fluorescent red flag having a diagonal white stripe), by the States—

"(A) increases the level of safety of the maritime community in waters within a State's jurisdiction;

"(B) best considers the needs of local diving environments;

"(C) is fully consistent with the Federal inland navigation rules;

"(D) should be coordinated among the States to make diving safety regulations as uniform as possible;

"(E) should be included in guidelines relating to historic shipwrecks under this Act;

"(F) should prohibit interference with commercial vessel traffic unless properly permitted with adequate notice to mariners; and

"(2) the United States Government should propose consideration of the international recognition of the divers flag as a safety measure by the International Maritime Organization as soon as possible.

"(b) The Inland Navigational Rules Act of 1980 (33 U.S.C. 2071) is amended as follows:

"(1) In section 2, add a new subsection (e) to rule 1 of part A as follows:

"(e) Nothing in these Rules shall interfere with the regulation of diving safety by a State within its waters, including the display of a divers flag (traditionally recognized as a bright or fluorescent red flag having a diagonal white stripe), if that regulation prohibits interference with commercial vessel traffic unless the diving activity is properly permitted with adequate notice to mariners. The regulation of diving safety by a State is not inconsistent with, or a substitute for, the requirements of these Rules."

"(2) In section 3—

"(A) designate the existing first sentence as subsection (a);

"(B) designate the existing second sentence as the remainder of the existing section as subsection (b); and

"(C) amend the last sentence in subsection (b) (as redesignated by paragraph (2)(B) of this section) by striking 'including local pilot rules.' and substituting 'including local pilot rules and a compendium of States' regulations of diving safety'."

H.R. 4264

By Mr. DORNAN of California:

—At the end of Part C of title IX of division A (page 159, after line 21), insert the following new section:

SEC. 924. RESERVATION OF NAVAL VESSEL MODERNIZATION, OVERHAUL, REPAIR, AND MAINTENANCE PROJECTS FOR PUBLIC SHIPYARDS.

(a) IN GENERAL.—Subsection (b) of section 7299a of title 10, United States Code, is amended—

(1) by striking out "The assignment" and inserting in lieu thereof "(1) Subject to paragraph (2), the assignment"; and

(2) by adding at the end the following:

"(2)(A) The Secretary of the Navy shall assign projects for the modernization, overhaul, repair, or maintenance of naval vessels to the shipyards described in subparagraph (B) as may be necessary to maintain the skills, facilities, tools, and equipment at such shipyards at the same levels as existed at such shipyards during the base year.

"(B) The shipyards referred to in subparagraph (A) are the public shipyards located at—

"(i) Portsmouth, New Hampshire;

"(ii) Philadelphia, Pennsylvania;

"(iii) Portsmouth, Virginia;

"(iv) Charleston, South Carolina;

"(v) Long Beach, California;

"(vi) Vallejo, California;

"(vii) Bremerton, Washington; and

"(viii) Honolulu, Hawaii.

"(C) This paragraph shall not be considered to prohibit the award to a private shipyard of any contract for a project involving the modernization, overhaul, repair, or maintenance of a naval vessel if such project is not assigned to a public shipyard pursuant to subparagraph (B).

"(D) In this paragraph, the term 'base year' means fiscal year 1988."

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to Congress a report describing the Secretary's plans for assigning projects for naval vessel modernization, overhaul, repair, and maintenance to public shipyards in compliance with section 7299a(b)(2) of title 10, United States Code (as amended by this Act).

Every decision we make in this House now on foreign affairs affects lives; it kills people or it saves lives; it causes refugees or it lets people live in the land of their birth.

Over the weekend we had to listen to a highly placed unidentified Government source say that this House, this half of the U.S. Congress has given communism its major success in this hemisphere since Castro betrayed his revolution to Cuba in 1959.

The chickens will be coming home to roost, maybe not in time for this election but the next President, whichever party he is from, is going to have to face a locked-in Communist bastion in the nation of Nicaragua. By then, Reagan will have failed his most serious foreign policy test, whether or not he could block communism from gaining a foothold on the land bridge between the United States and the Panama Canal.

This House is the main body to blame for this national security tragedy, but there is also plenty of blame for the administration in the way they have handled it over 7 years and 4 months.

FORMALIZING RESCISSION REQUESTS

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, 2 months ago we all heard the President's State of the Union Address and his pledge to send Congress a package of rescissions to rid the fiscal year 1988 continuing resolution of some of its pork. Unfortunately, the President has backed away from his intention of making a formal rescission request and instead has chosen to send Congress a list of unnecessary or low priority spending projects which he would have vetoed if the President had line-item veto authority. This list is an informal request rather than a formal one made pursuant to the Impoundment Control Act.

I was disappointed by the limited nature of the President's action; therefore I am introducing today legislation which rescinds and repeals the items designated by the President in his March 14 message to the Congress. Rescinding or repealing this pork could save \$1.5 billion. If you are as tired of Congress merely paying lip-service to deficit reduction as I am I hope that my colleagues will join me as an original cosponsor of the legislation.

ANNUAL REPORT ON FEDERAL ADVISORY COMMITTEE ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. STAGGERS) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Government Operations:

(For message, see proceedings of the Senate of today, April 13, 1988.)

UPDATE ON ATTEMPT TO CENSOR MAGAZINE

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I just wanted to point out to my colleagues in the House that on Monday I outlined a very serious problem involving the legislature; an attempt to censor a magazine, *Bankers Monthly*; a trip to New York taken by the chief of staff for the Speaker, who was accompanied by a major lobbyist in this city acting apparently as counsel; and that a series of questions were asked in terms of who paid for the trip, what was the relationship, were the ethics rules followed, precisely what was going on in this effort to censor the magazine?

As of today the House has still not been informed by the Speaker of exactly what was done and who paid for it.

ABANDONED SHIPWRECK ACT OF 1987

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 421 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 421

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 858) to establish the title of States in certain abandoned shipwrecks, and for other purposes, and the first reading of the resolution shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Merchant Marine and Fisheries, the bill shall be considered for amendment under the five-minute rule and each section shall be considered as having been read. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the

House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Ohio [Mr. LATTI], pending which I yield myself such time as I may use.

Mr. Speaker, House Resolution 421 is an open rule providing for the consideration of the bill S. 858, the Abandoned Historic Shipwreck Act of 1987.

Mr. Speaker, the rule provides for 1 hour of general debate, the time will be divided between two committees, with 30 minutes to be equally divided between the chairman and ranking minority member of the Committee of Merchant Marine and Fisheries and 30 minutes equally divided between the chairman and ranking minority member of the Committee on Interior and Insular Affairs.

Finally, Mr. Speaker, the rule provides for one motion to recommit.

Mr. Speaker, S. 858 would assert U.S. title to three classes of abandoned historic shipwrecks and transfers the title to the States where the shipwrecks are located. Those shipwrecks that fall under the guidelines would be those that are embedded in submerged lands, those embedded in coralline formations, protected by a State on submerged lands, and those on submerged lands of a State that are eligible for inclusion in the National Register of Historic Places. The remainder of the shipwrecks in State waters and all shipwrecks located more than 3 miles offshore would remain under admiralty law.

Mr. Speaker, this bill was originally considered on the Suspension Calendar 2 weeks ago, though the bill was approved by the House by a majority vote of 263 to 139, it failed to receive the required two-thirds vote for passage. Obviously there was concern among some Members that the consideration of amendments would not be allowed under the suspension procedure.

The bill before us today will now be considered under an open rule, allowing Members the opportunity to offer any germane amendment to the bill. I urge my colleagues to vote for House Resolution 421 and to support the passage of S. 858.

Mr. LATTI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, when the bill made in order by this rule was put to a vote on March 29. It failed to receive the two-thirds vote necessary for passage under suspension.

One of the objections voiced at that time was that the suspension procedure did not allow the House to consider amendments to make necessary improvements in the bill.

The rule before us today at least solves the amendment problem. It provides that the bill will be open to amendments, and as a result, there will be an opportunity to eliminate some of the objectionable provisions in the bill.

Mr. Speaker, I will not oppose the rule, but will reserve judgment on the bill to see what improvements are made during the amending process.

□ 1430

Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of the rule, and I would like to express my gratitude to the Rules Committee for allowing this bill to come before the House this afternoon under an open rule, pursuant to which I may be entitled to offer amendments that I have to the bill.

I must say, however, that I am somewhat frustrated to be in this situation. All of the amendments that I intend to offer this afternoon indeed were presented for consideration and approval by the committee when the bill was in committee. All of those who spoke on the amendments that I offered on that occasion said that the amendments had a tendency to improve the bill. There was no one who criticized them for any substantive reason, and yet each one of the amendments was rejected by the committee simply because they worried that they may not be acceptable to the other body.

Now, we are considering here this afternoon a bill that came from the Senate, a bill that was adopted unanimously by the Senate, a bill that had no opposition in the committee, a bill to which there was no opposition expressed in the *Record* while it was pending in the Senate, and yet it is feared that if we amend this bill so that it has to go back to the Senate for reconsideration that somehow, somewhere, it will die and not be passed again.

I think, Mr. Speaker, if indeed that is the mindset that prevails here this afternoon, those who support passage of this bill without amendments are really being derelict in their duties as Members of the House of Representatives. Our job is not to produce a bill that might be to the liking of the Senate or cater to the fancy of individual Senators. Our job is to vote out the very best legislation that we can do here in the House of Representatives. This is not the best legislation

that we can enact. Even the author of the bill has conceded that my amendments would improve the bill.

It seems to me, therefore, that they should be acceptable, but I know they are not, and I know we are going to have to debate them this afternoon.

Let me just assure the Members, and particularly the author of the bill and the floor manager of the bill, that we have checked with the committee of jurisdiction in the Senate on the minority side. We do not know of anyone who tends to place a hold on this bill or object to the amendments that I would like to offer to the bill or otherwise stand in the way of its passage or reconsideration.

I would further tell these gentleman that if indeed there appears to be some objection in the Senate, I will actively work with you to secure approval by the Senate of a bill that contains the amendments that I want to offer this afternoon.

I say this just to demonstrate the fact that I am not here in a capacity to offer killer amendments, trying to derail this bill. I think the bill is going to pass, but I think it can be improved, and indeed I think it is our responsibility to enact amendments that will move it in a positive direction and improve it so that it will gain the support of those who are going to be affected by it.

So I would just like to express my appreciation again for this rule which will allow me to offer those amendments and urge the Members of this body as they consider this bill in a few moments to do so with an open mind and to do so having in mind the commitment that we have all made to produce the finest product that we are capable of. I am sure if we do that, we will vote for my amendments.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I want to thank the gentleman for yielding this time.

Mr. Speaker, I rise in support of the rule. We are certainly willing to face the amendments. This legislation has been around for a long time. In fact, it has been before this Congress for some 8 years. In separate instances it was passed by this body to the Senate and was not acted on by the other body. The fact is that in the Senate because of the rules and the demeanor of the Senate, few bills really attain the cloture vote of 61 votes and as a consequence individual Members of that body under their rules are able to hold up bills that do not garner the 61-vote type of immunity. I think that it is obvious while this is a very important act that it may not receive that type of attention and that type of intensity in the other body. The consequences as we deal with legislation and we know that there are very strong

feelings concerning some of this legislation, otherwise it probably would have been enacted in one of the past Congresses when the House has acted on measures exactly similar to the measure we have before us, that in fact we would be forcing this legislation to run the gauntlet on the other side of the aisle, so much so that one of the major sponsors of that legislation has, of course, indicated that in fact holds are likely to be placed on the bill, that we will likely not act on it.

I think what is important here today is that we deliberately consider these amendments, consider the effect of them and act on them. I think as we look at the effect and have an opportunity to explain them, I think the Members of this body are going to understand that this very modest bill does not need the weight to sink this historic bill once more, and in fact we can work our will, deal with the amendments, and I think send this bill on to the President as it has the support of the Secretary of the Interior, has the support of all the conservation and preservation groups here in the country. It is a good bill. As it acted on, obviously I will yield to the House in terms of arguing and debating the amendments, but not to the substance of those amendments or to the process that has been suggested here.

Mr. LATTI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 421 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the Senate bill, S. 858.

□ 1438

IN THE COMMITTEE OF THE WHOLE

Accordingly the House revolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 858) to establish the title of States in certain abandoned shipwrecks, and for other purposes, with Mr. TRAXLER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule the gentleman from Minnesota [Mr. VENTO] will be recognized for 15 minutes; the gentleman from Montana [Mr. MARLENEE] will be recognized for 15 minutes; the gentleman from North Carolina [Mr. JONES]

will be recognized for 15 minutes, and the gentleman from California [Mr. SHUMWAY] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, certain abandoned shipwrecks are a key part of our Nation's history, vividly illustrating the importance of our maritime heritage. By passing S. 858 we will join the Senate in recognizing the significance of these shipwrecks and in providing greater protection for them. S. 858, the product of years of consideration and compromise, asserts U.S. title to certain abandoned shipwrecks and transfers that title to the States so that they can manage these cultural resources located on their State submerged lands. S. 858 does not affect the jurisdiction of admiralty law over the greater percentage of shipwrecks not defined as historic. By asserting title to a small percentage of shipwrecks and by transferring that title to the States on whose submerged lands they lie, this bill clarifies the jurisdiction over the abandoned shipwrecks and helps States protect their cultural resources for all of us.

Mr. Chairman, in spite of all the confusion that has been generated about the Abandoned Shipwreck Act and its potential effect, the issue is really quite simple. We have a choice, a policy question before us. There are two issues: multiple use of resources and States rights. The issue of multiple use is whether that small percentage of abandoned shipwrecks covered by this bill should be available for multiple use by the public as sport divers, archeologists or salvors or whether they should be limited to being private preserves for a few salvors. The issue of States rights is whether States should have control over their State submerged lands.

With S. 858, we have the opportunity to protect the past and make it available to the present and the future by passing the Abandoned Shipwreck Act. As chairman of the Subcommittee on National Parks and Public Lands, I often work to balance present use and future protection. We would not want Mount Vernon carried away piece by piece to decorate people's mantlepieces, or ships like the U.S.S. *Constitution* (Old Ironsides) to be available for salvage for private profit. We should not allow similar travesties to occur on that small percentage of abandoned shipwrecks recognized in this bill as having particular historic significance either by being eligible for the National Register of Historic Places or by being old enough to have become embedded in submerged lands or coralline formations.

We have heard a lot about admiralty law recently. There needs to be a very

clear distinction made between the reasons for admiralty law and those for historic preservation and recreation. Admiralty law seeks to: First, regulate maritime commerce; second, to protect sailors, third, to adjudicate claims between shippers; and fourth, in the case of salvage, to save lives on ships in distress and to return goods to commerce. Admiralty law has no particular interest in these abandoned shipwrecks as defined in S. 858. Last year, less than 2 percent of the cases decided in admiralty court had anything to do with such shipwrecks.

Admiralty law focuses on modern ships and living sailors, not sport diver access or preservation of historic resources. Since 1906 when this country enacted the Antiquities Act, we have explicitly recognized the importance of protecting our Nation's heritage. That 1906 legislation has been reaffirmed and refined through the decades, and today is a well-recognized principle in American law. S. 858 merely recognizes that this principle should explicitly include those underwater parts of our Nation's heritage located in State submerged lands. We should treat resources located on State lands equally, whether the State lands are on land or under water.

Admiralty law similarly has little to do with sport diving. Having developed in the ancient Mediterranean—long before technology made scuba access popular or even possible—admiralty law could not have foreseen sport diver needs and interests. In fact, because its emphasis is commercial rather than recreational, admiralty law is at best indifferent and at worst hostile to sport divers. Just recently a group of sport divers fishing for grouper in the Florida Keys were chased away by a salvor and told that they had to leave the area because the salvor was claiming "exclusive rights" to the shipwreck. Such intimidation by salvors certainly does not contribute to recreational access for sport divers—or for good fishing either. Why should sport divers have to go to admiralty court to be able to gain access to shipwrecks they want to dive on? Aren't States, especially those who get so much tourist income from sport divers, more sympathetic to sport divers than admiralty courts?

In contrast, sport divers are integral team members in various State archeology programs such as those in Michigan and Vermont. Sport divers and archeologists regularly cooperate in their explorations. Further, S. 858 encourages States to establish underwater parks for sport divers. Such parks make the pleasures of sport diving available to the general public. Given this support for sport divers in S. 858 we may wonder why some oppose it. The answer is quite simple: There has been a concerted campaign of misinformation and distortion

about the bill. An advertisement this month against the bill cites a different bill than the one we have today on the floor—a bill not passed out by any committee yet invoked right now by the opposition.

The other key—and compelling—argument for this bill concerns States rights. Since 1953, States have had sovereignty over their submerged lands. They have enjoyed the rights and responsibilities for the natural resources located on those lands, and as far as I know, have done a fine job in the process. As a nation, we were not as sensitive to the protection of cultural resources back then, and sport diving was certainly not as popular 30 years ago as it is today. It is now time to recognize that certain cultural resources located on State submerged lands should also be under the protection of States. Currently, some 27 States have laws concerning the protection of historic shipwrecks. These States spend a disproportionate amount of effort and expense in admiralty court arguing for jurisdiction over the shipwrecks on their State submerged lands. We have no intention of interfering with modern admiralty law but we do believe that the States can do a better job of making sure that these few abandoned shipwrecks are available to all the appropriate interests and not just to the salvors.

S. 858 is the result of many years of consideration. Indeed, a similar bill passed the House in the 98th Congress. The Senate and two House committees have agreed to the language before us. Only recently has technology made these shipwrecks so accessible to extensive exploration by divers, archeologists, and salvors. While States such as Florida have been issuing permits since the 1920's, as long as we do not establish congressional policy there will always be a question whether admiralty courts have jurisdiction over these special resources. I believe that we in Congress should decide policy, and not these courts whose concerns are neither recreation nor historic preservation decide such policy on a case-by-case basis. The need for congressional policy has become increasingly urgent. Today, we have the opportunity to provide for both preservation and use of these shipwrecks. I urge my colleagues to do just that, and to support S. 858 without any amendments.

□ 1445

Mr. MARLENEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we on this side of the aisle have deferred to the members of the Merchant Marine Committee on the abandoned shipwreck legislation

as they are the committee with the expertise and understanding of the issue.

I might add that it was through the leadership of my friend and colleague, Mr. SHUMWAY, that this legislation is now before the House under an open rule so that some amendments to protect sport divers can be offered. I commend my colleague from California for that effort as it is only fair that Members at least have the opportunity to offer amendments to controversial legislation.

Mr. Chairman, I am aware that Mr. SHUMWAY plans to offer several amendments today. Although I am sure each amendment has its own merits, I would speak only to the amendment which guarantees sport divers access to abandoned shipwrecks.

As my colleague has pointed out in his recent "Dear Colleague," the amendment merely strengthens the nonbinding "rights of access" provisions of section 4 of the bill by making access for sport divers to abandoned shipwrecks binding and enforceable on the States. Instead of telling the States they should provide access, the amendment would require the States to provide access. Although we are short on abandoned shipwrecks in Montana, I am familiar with access problems. I find little value in designating historic sites, parks, or other public resources, and then not allow the public the right to use and enjoy those resources. I know that some fear sport divers will harm these historic resources by removing artifacts or by disturbing fragile underwater shipwrecks. But I believe with proper guidance and education, the sport divers could actually be enlisted to help safeguard these resources.

Mr. Chairman, I yield my remaining time to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Montana [Mr. MARLENEE] for his kind remarks and for yielding the remainder of his time to me.

Mr. Chairman, on March 29, the House voted down S. 858, the Abandoned Shipwreck Act, under suspension of the rules, for one simple, overriding reason: The bill fails to protect the rights of access for sport divers and the private sector.

For more than 200 years, private sector rights of access to these shipwrecks have been protected and enforced by Federal admiralty courts, whose authority is specifically provided in article III, section 2 of the U.S. Constitution. This provision unambiguously states that Federal "judicial power shall extend to all cases of admiralty and maritime jurisdiction."

This bill abandons this time-honored precept by giving title, control, jurisdiction, and everything else that goes

with it, to States for abandoned shipwrecks in territorial waters. The problem with doing this, as the bill presently proposes, is that we give up any and all Federal oversight to ensure that a State is reasonable in its management of these shipwrecks—and we are doing so despite article III, section 2 of the Constitution.

This bill or similar versions have been before the Congress for 8 years now, and none have yet become law. Until this year, sport divers and commercial salvors have simply opposed this legislation because it did not protect their interests and because of past actions by States which have restricted access to the detriment of the private sector. Today, however, I will be offering an amendment which will protect the legitimate interests of all the affected interest groups—most particularly, the interests of sport divers. My amendment, if adopted, would finally end the longtime controversy associated with this bill; and it would mean that the legislation can go forward without controversy and finally become law.

Mr. Chairman, my sport diving access amendment is a simple one, and it does not in any way alter the structure or the fundamental purpose of the bill. The amendment, which I will explain more fully at the appropriate time, simply strengthens the bill by making the discretionary rights of access provisions binding on States.

In reality, this amendment should be viewed as "a win-win" proposition. States win under this proposal because they receive title and management authority to shipwrecks in their waters. Archeologists win under this proposal because it makes binding the provisions which ensure that all recovery of shipwrecks—both public and private sector—will be done so as to protect their historical values and environmental integrity. And sport divers and private sector salvors win because their rights to access are protected.

And finally, Mr. Chairman, my amendment contains a Federal judicial review provision which enables the Federal Government to enforce these rights of access provisions. In doing so, Mr. Chairman, my amendment ensures that we, the Congress, will be enacting a law which passes constitutional muster by meeting the requirement in article III, section 2 which, again, states that maritime and admiralty matters are within the jurisdiction of Federal courts.

It has been claimed by proponents of the bill that any amendment is a killer amendment. I can only respond by saying that if improving an otherwise flawed bill is killing it, then maybe we shouldn't be passing it to begin with.

Proponents of the bill, including the longtime House sponsor, Mr. BENNETT from Florida, are on record as saying they have no substantive objection to

my amendment, and that, indeed, my amendment is an improvement. Their only stated concern is that if we send this bill back to the Senate, there is no assurance the other body will pass it again. Mr. Chairman, to me that is not a valid reason for opposing this amendment. The bill passed the Senate under unanimous consent already in this Congress, and there is no reason to believe a vastly improved version, if sent back by the House, won't pass unanimously again.

Mr. Chairman, I reserve the balance of my time.

Mr. JONES of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman I rise once more in strong support of S. 858, the Abandoned Shipwreck Act of 1987.

The time has come for the House to do the right thing and pass needed shipwreck management legislation. Today may present the last clear opportunity for this body to act on this issue in this Congress or any Congress. If we are interested in protecting our maritime heritage, we should pass S. 858 and send it to the President for signature. If we don't want to provide protection and a good management framework for our maritime past, then we should amend S. 858 and send it back to the Senate.

In the past few weeks, the opponents of S. 858 have suggested that the bill is flawed and needs to be amended. I would like to respond substantively to some of their allegations.

S. 858, its critics say, does not protect divers' access to shipwrecks. To listen to the opponents of this bill, one would have to believe that S. 858 is entitled the "antisport diver" bill and contains explicit restrictions on sport diver access to shipwrecks. Nothing could be further from the truth. The State policy of S. 858 is to "clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups." States are specifically directed to develop appropriate and consistent policies so as to "guarantee recreational exploration of shipwreck sites."

Sport divers are clearly intended to be direct beneficiaries of this legislation. Congressional policy on guaranteeing access to sport divers is clear and enforceable policy. No amendment is required to make this language and intent any clearer.

Sport divers are better off under a system of State management of shipwreck sites than the current system of conflict between State management and Federal admiralty court jurisdiction. Conflict and confusion benefit no one, especially not sport divers. Only the States can balance the legitimate interests of all groups interested in shipwrecks and adopt appropriate poli-

cies to balance those interests. Only States can establish and maintain underwater parks and encourage and promote diver access to shipwreck sites. This is being done now successfully in Michigan, Vermont, California, and Florida, as well as in other States. Congress should support these efforts by confirming State ownership of shipwrecks within these protected areas. Federal admiralty courts cannot provide any of these benefits; in fact, once a salvor establishes an exclusive right to salvage a shipwreck or site, the admiralty court can restrict access to sport divers and use U.S. marshals to remove them.

The opponents also suggest, again theoretically on behalf of sport divers, that the only body who can protect sport diver access to shipwrecks is Federal courts. I don't believe this. In the first place, there is no existing State law that precludes sport diver access to shipwrecks in State waters. Second, I have written to affected coastal States to ask whether they intend to impose restrictions on sport divers should S. 858 be enacted. To a State, the States have informed me that they do not intend to impose any restrictions on sport diver access to shipwrecks. And, third, sport divers are only protected by Federal admiralty courts if they act like salvors.

S. 858 simply confirms existing State policy on sport diver access. To establish a mandatory right of review in Federal court is therefore unnecessary. Moreover, it undercuts the fundamental States rights objective of this bill. State courts should be the forum of first resort for enforcing this bill. We can depend on State courts to apply State and Federal policies fairly to all affected parties.

The second criticism is that this bill overreaches because it applies to all shipwrecks in territorial waters, not just historic ones. This bill applies essentially to two classes of shipwrecks: First, those embedded in submerged lands or coral formations of a State; and second, on submerged lands of a State and included in or determined eligible for inclusion in the National Register. Apparently, there is no disagreement over the inclusion of shipwrecks in the second category, but there is objection to inclusion of those wrecks in the first category.

When examined carefully, this objection is also seen to be unfounded. This is because the first category of shipwrecks for which title is asserted already belongs to the States. The bill simply confirms the existing common law on the ownership of shipwrecks embedded in submerged lands. According to recent Federal court decisions, including the Klein and Chance cases, shipwrecks embedded in submerged lands belong to the owner of these lands. In the 1953 Submerged Lands Act, Congress ceded to the States own-

ership of all natural resources and submerged lands in an area extending generally 3 miles seaward from their coastlines. Since the States already own these lands, it makes sense for Congress to confirm that they also own the cultural objects embedded in those lands.

It also makes sense from an environmental perspective to grant to the States ownership of all shipwrecks embedded in their submerged lands or in coral formations which they protect. Virtually all States currently have laws which require individuals to obtain the State's permission if they want to excavate State lands. Individuals should not be able to excavate State lands, including sensitive and protected coral formations on those lands, without the State's permission. The transfer of title of embedded shipwrecks affirms the responsibility of States to manage their resources in an environmentally sound manner.

The critics also suggest that the bill serves as a disincentive to discovery of shipwrecks because of restrictions on sport diver access. As I have already explained, there is simply no provision in S. 858 which limits, or attempts to limit, sport diver access. Nor will State ownership of shipwrecks covered by this bill prove to be a disincentive for discovery of important shipwrecks. In my own State of North Carolina, we have had a recent example where the State and divers who located a famous Civil War wreck have worked together to recover valuable artifacts and preserve them for future generations. Last summer, two divers, from Washington, and Greenville, NC, found the remains of a Union gunboat, the U.S.S. *Underwriter*, sunk in the Neuse River during the Civil War. Since the discovery, the divers and the State Department of Cultural Resources have worked together to locate and bring up artifacts from the ship. Of particular significance is their recovery of the ship's 5-foot long gun carriage which weighs about 1,000 pounds. I would like to applaud this fine example of cooperation and share with you a quote from one of the divers.

If I go down and bring something out of the water and then take it home with me, only a few people will be able to enjoy it. Part of the fun for me is sharing with other people.

S. 858 implements this philosophy and recognizes that State management is an incentive for cooperation and discovery, not a disincentive.

The opponents state that the bill is inconsistent with international law. We have received comments from the State Department recommending that the coverage of the bill be limited, consistent with international law principles, to shipwrecks within the U.S. territorial sea. We have explained in our committee report that there is absolutely no intent in S. 858 for the

United States to assert any sovereignty under this bill inconsistent with international law principles. We have been advised by State Department officials that our report language is perfectly satisfactory on this point and an amendment to the bill is not required.

The critics of S. 858 suggest that the bill presents a conflict with the management of marine sanctuaries. This is a totally unjustified criticism of the bill. S. 858 is fully consistent with the authority of the Secretary of Commerce to designate and manage marine sanctuaries in State waters. Under current law, if the Secretary wants to designate a marine sanctuary in State waters, he must obtain the concurrence of the Governor since the resources to be protected with a marine sanctuary designation are State resources. This is the same approach taken in S. 858. The States will own the shipwrecks in State waters; if the Secretary wants to provide additional Federal protection for significant State shipwrecks, he will need to obtain the permission of the Governor of the affected State.

Once a marine sanctuary is designated in State waters, shipwrecks within that sanctuary will be given additional protection because S. 858 specifically removes these wrecks from the law of salvage and finds. This removal will enhance the authority of the Secretary of Commerce since there will no longer be a potential conflict between the Secretary's ability to protect historic shipwrecks in a marine sanctuary and someone who wants to salvage such a wreck.

A further criticism suggested by the opponents is the need to ensure that shipwrecks for which the Federal Government retains title are managed consistent with the guidelines developed by the Secretary of the Interior in section 5 of this bill. But, section 5(c) already provides that the guidelines are to be available to assist States as well as Federal agencies in developing consistent legislation and regulations. The principal shipwrecks for which the United States retains title under this bill are shipwrecks located in national parks. It is impossible to conceive that the Director of the National Park Service, who is responsible for developing the guidelines under S. 858, won't follow his own guidelines when managing shipwrecks located in national parks. The Interior Department has already testified in hearings before the Interior Committee that they intend to follow these guidelines.

A final criticism of the bill is that it may be unconstitutional. I can assure my colleagues that this is simply not the case. In the first place, we have an opinion from the American Law Division of the Congressional Research Service that confirms that S. 858 falls within Congress' authority to modify

admiralty law. Second, many Federal and State courts have recognized that it is within the prerogative of the Federal Government to assert its sovereignty over shipwrecks within territorial waters. This is essentially what S. 858 does.

Third, if this bill is unconstitutional, then so is the Marine Sanctuaries Act since it protects historic shipwrecks, such as the *Monitor*, from salvage. S. 858 carves out a limited exception from admiralty law principles for those shipwrecks to which title is asserted. All other shipwrecks remain subject to admiralty jurisdiction. We can no longer afford the legal fiction that abandoned historic shipwrecks in State waters are in marine peril and need to be saved by treasure salvors. A modern society needs to protect its maritime heritage; the best way to do this is to assert clear title over this heritage and allow the several States to manage it.

Mr. Chairman, I yield 6 minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, I thank the gentleman from North Carolina [Mr. JONES] very much for yielding me this time.

Mr. Chairman, might I inquire of the gentleman from Minnesota [Mr. VENTRO] if he might yield me 2 additional minutes?

Mr. VENTRO. Mr. Chairman, I am happy to yield 2 additional minutes to the gentleman from Florida [Mr. BENNETT].

Mr. BENNETT. Mr. Chairman, this is a good bill, allowing States to protect archeological values of historic shipwrecks in State waters. This legislation pulls a certain type of shipwreck—historic—out of admiralty court and puts them into the jurisdiction of State historic preservation laws. Currently, abandoned historic shipwrecks are in admiralty court jurisdiction, which is oriented toward taking up all shipwrecks, rather than protecting them and their contents. That's fine for most shipwrecks, but not for historic ones. Not in 1988!

Opponents of this bill have not been able to defeat it on its merits, and have therefore, resorted to all kinds of scare tactics, and have managed to get a number of sport divers hysterical over the legislation. They have convinced sports divers that admiralty court provides them protection, but the reality is that admiralty law has no interest in or impact on sports divers' access. Admiralty courts cannot guarantee or protect recreational access. This bill does. It says clearly that States will allow as much access as possible, establish underwater parks, and provide for guidelines so that divers will have something to look at in future years.

Until now, opponents of this legislation have been able to block it

through Senate rules, which allow one Member to put a hold on the bill indefinitely, thus killing it. That is what happened in the 98th Congress when essentially the same legislation passed the House and was sent to the Senate. The opponent then was the Senator from Florida, who has since been retired by Senator BOB GRAHAM. Since she left, opponents have found other Senators to block the legislation. But through the good work of Senator BILL BRADLEY—one of the finest Members in the U.S. Senate—we were able to save this legislation and get it over to the House with high hopes that it would be passed and sent to the President.

This legislation was thoroughly reviewed by the House Interior Committee and the Merchant Marine and Fisheries Committee, and sent to the floor for final approval without amendment.

Some opponents now say it is somehow unwise legislation to allow States to have control of historical artifacts in their own territorial waters. Yet States, by their very local nature, are able to best deal with the competing groups concerned with such interests. Divers, archeologists, salvors, and so forth, are best handled at the State level because States can look at these conflicting interests and produce for their own areas the best policies available to protect historic shipwrecks, while providing as much access as possible and as much free enterprise activity as possible.

It is my understanding that an amendment may be offered to make the rights of access guidelines in S. 858 binding on the State. Here we have enemies of the legislation saying that the legislation does not go far enough in assisting divers even though it does more for them than existing laws. Under the pending bill, any insufficiency of access rights for divers could be litigated in State courts. No such lawsuit would be possible under existing law in either State or Federal courts. The bill before us would increase the rights of divers. The amendment would imperil these rights by imperiling the bill.

It has been said that at one point in time I indicated I could support language that would make guidelines more clearly binding on the States. That was said in the context of trying to get a compromise that would save the bill. Under present circumstances, any amendment to the bill is more likely to kill the bill than to be of any assistance to anyone, divers or others.

Another potential amendment is to delete the term "embedded" as a test for the shipwrecks covered by this bill. Under this legislation now, there are three ways a shipwreck can be tested for this bill. First, embedded in the submerged lands of the State; second, embedded in the coral formations pro-

tected by States' submerged lands; or third, on submerged lands of the State included in or determined eligible for inclusion in the National Register. Obviously, the removal of the first two criteria would greatly reduce the number of shipwrecks that are covered under this legislation. But I must point out that even with the legislation as it now stands, it has been estimated that only from 5 to 10 percent of all abandoned shipwrecks would be eligible for the protection of this legislation. Taking away the first two criteria would reduce it almost to nothing and make this legislation almost worthless.

As for the argument that using the term "embedded" makes it possible for not so old wrecks to be covered by this bill, archeologists have been consulted about this and have unequivocally stated that the process of the shipwreck becoming embedded is extremely lengthy and takes many years before it actually happens. That means it would be very old, indeed. But even if ships could be embedded in a short time the legislation does not require the State to protect the ship, only allows us to do so.

I understand that there may be some other amendments, but these are ones I have read the most about. I will not speak on other possible technical amendments. Hopefully, after we defeat the first two, additional technical amendments will not be offered. None of the amendments is necessary but any of them would kill the bill by sending it back to the Senate.

I have in my hand a National Park Service letter strongly supporting S. 858, as passed by the Senate. It is very short, dated March 31, 1988, and addressed to Interior Committee Chairman UDALL:

DEAR MR. CHAIRMAN: I wish to take this opportunity to reiterate our strong support for S. 858, the Abandoned Shipwreck Act, as passed by the Senate.

The National Park Service has, on behalf of the Administration, urged the enactment of legislation that would remove historic shipwrecks from Admiralty jurisdiction and provide consistent protection for them. The provisions of S. 858 will assure this result by specifically making the law of salvage and the law of finds inapplicable to abandoned shipwrecks.

We particularly support the language of section 6, which applies to shipwrecks embedded in submerged lands or coralline formations and those on or eligible for listing on the National Register of Historic Places. This section is the heart of the bill, for it not only transfers title to the States, but it defines the shipwrecks to which Admiralty laws will not apply.

As the official responsible for preparing management guidelines for the States under section 5 of the bill, I assure you that the legitimate needs of all interests, especially including sport divers, will be given full consideration in that process.

We appreciate your support of this legislation and other programs of the National Park Service.

Sincerely,

WILLIAM PENN MOTT,
Director, National Park Service.

We have waited a decade to get Senate passage of this bill. Because of the great ability of Senator BRADLEY, we've now done it. We have passed it through two committees in the House, fought tooth and nail against unnecessary, killer, amendments in the committee, and we have prevailed.

The administration and groups such as the National Trust for Historic Places, the Undersea Explorers Club, National Association of Attorneys General, and many more support this bill.

One man, Mel Fisher, and one magazine, the *Skindiver* magazine, have tried to hold up the entire congressional process. Mel Fisher, I am told, has set up a phone bank and is deluging Members of Congress with calls, which is obviously costing him vast sums of money. I do not have that kind of money to counteract the misinformation campaign against this bill. It is a good bill and it should pass without amendment.

Attempting to pass this legislation has been a real education even to someone who has been in Congress as long as I have. Shady efforts and scare tactics have all been reprehensible. One Member of Congress told me that someone came up to him and said if he did not vote against this bill, \$1 million would go to his opponent. I also understand that in the past people have attempted to bribe witnesses who planned to testify in favor of this legislation. I hope Congress can see through this mess and pass this legislation without amendment.

Of the 167 nations in the world, 155 of them have historic shipwreck protection laws. They have essentially taken historic shipwrecks out of admiralty court. We have the opportunity to act responsible, as the other 155 nations have done. Let's act now to preserve these important American historic artifacts for the benefit of our future generations.

Maybe years ago we could afford to throw away knowledge of the past, but we in our generation should know by now that knowledge is at the top of the list of blessings we can leave to future generations. Let's fulfill our obligations to the future and pass this bill.

□ 1500

Under the attitude that has been taken by the gentleman from California who spoke before, it seems as if he wants to allow sport divers to bring up things, and that is his idea of access.

Am I correct or incorrect?

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. BENNETT. I yield to the gentleman from California.

Mr. SHUMWAY. Mr. Chairman, was the reference to me as having said that?

Mr. BENNETT. Yes, it was.

Mr. SHUMWAY. I do not recall there being any such statement on the floor.

Mr. BENNETT. Last time before Easter recess, the gentleman from California I thought said something about divers wanting to bring up coins.

Mr. SHUMWAY. No. I have never said that. I would just tell the gentleman that is not part of my debate.

Mr. BENNETT. The gentleman from California does not have in mind by allowing access the bringing up of any artifacts or the destruction of any ship?

Mr. SHUMWAY. No. My concern is the discovery of ships that otherwise will go undiscovered unless we allow access.

Mr. BENNETT. When the gentleman from California offers his amendment, if it should pass, he does not mean to say that access would include the bringing up of materials or the destruction of any part of a ship?

Mr. SHUMWAY. No. My amendment does not do that.

Mr. BENNETT. I am glad to hear that. That makes me less apprehensive. I am now only apprehensive about what can happen in the Senate as usually does over there when people do not like to pass a bill.

Mr. SHUMWAY. Mr. Chairman, I yield 7 minutes to the distinguished gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I rise in strong opposition to S. 858, the so-called Abandoned Shipwreck Act.

Let me tell you why I and 4 million recreational sport divers are opposed to this bill in its current form.

By way of background my colleagues shall know, that this bill is a direct result of the failure of the State of Florida to win its battle against Mel Fisher and his company Treasure Salvors, Inc., in Federal district court.

After more than 15 years of litigation and hundreds of court challenges, the State of Florida was unable to convince even one Federal judge that it had any legal basis or right to the *Atocha* treasure.

While the State had no success in court, Federal District Judge James Lawrence King who worked on that case for 3 years made admiralty law work by establishing an "east coast shipwreck project." As a result of this cooperative effort involving private salvors, archeologists, and sport divers, more archeological data were gained from the shipwrecks of the 1715 Spanish Plate Fleet in Florida waters than had been collected during the entire 20-

year program controlled by the State of Florida.

Unfortunately, the State of Florida refused to accept the mandate of the courts and instead turned its attention to the U.S. Congress. As a result, the first Abandoned Shipwreck Act was born.

While proponents will argue that their sole interest is the protection of the abandoned shipwrecks, the real goal of this legislation is to severely restrict, if not prohibit, access to these vessels.

S. 858 is a blatant political attempt to throw out 200 years of admiralty law, and the precedents of hundreds of court cases, by granting to the States, with almost no restrictions or guidelines, ownership to these vessels.

And, once States have these vessels, how will they manage these resources? Well, if past history is any indication, the answer is: not very well. We have already seen a number of States, including my own, enact regulations which outlaw all private salvage operations and restrict sport diver access.

Mr. Chairman, there are no reported cases where a shipwreck under the jurisdiction of Federal admiralty court has been destroyed. Yet, States have a number of blights on their record. For instance, no one talks about the HMS *Debraak*, an 18th century British warship which sank off the coast of Delaware. In this case, the State of Delaware attempted to salvage this important vessel and ended up destroying it. Instead of following prescribed archeological procedures, the State yanked the ship from its watery grave, deposited it in the open air for several weeks without proper preservation, and then dumped it into a big hole at one of its State parks.

What you ended up with was a shattered piece of junk instead of a beautiful underwater monument which could have been enjoyed by thousands of recreational divers.

And what about the 572 artifacts found by Mel Fisher that the State of Florida confiscated and then lost during the years of court litigation. If a State can't even safeguard a few valuables, can we really expect that they are going to protect hundreds of shipwrecks. Sadly, the answer is no.

Mr. Chairman, these examples clearly indicate that State ownership is not a guarantee of historical preservation or protection. The private sector can and has provided adequate protection for the public interest. And the *Atocha* is a good example of that—more than half of the *Atocha* treasure will end up in museums and galleries for the enjoyment of all Americans.

Mr. Chairman, sadly, I must conclude that by enacting this legislation we will end up doing far more harm than good. Without the incentive to find these vessels, they will not be

found, and they will continue to deteriorate off the coast of States throughout America. And, the real losers are the American people—as they will be denied the opportunity to enjoy and appreciate this important part of our history.

Finally, while much has been said about the protection of the rights of the 4 million sport divers in this Nation, there is nothing in S. 858 which guarantees or mandates sport diver access to any shipwrecks in State waters.

While it is true that the author of this bill has included a sense-of-Congress statement about reasonable access to the general public, this provision is unenforceable and nonbinding. Once enacted, a State can and some will restrict access to these vessels.

Mr. Chairman, I am hoping that at a minimum we will include the language of the Shumway amendment which guarantees sport divers the opportunity to continue to enjoy their hobby. As one of my constituents so articulately stated "there is no desire on the part of sport divers to destroy items of historical significance. In fact, more items are on public display as a result of artifacts they have donated to museums and galleries than from any other source, including archeologists." gists."

To restrict sport diving access is also counterproductive because it is the sport diver and not the professional archeologist who finds most of the shipwrecks. According to the Atlantic Alliance for Maritime Heritage Conservation, in 1 year, sport divers discovered more than 2,500 wrecks while Federal and State archeologists found less than 200. And in all of their finds there has never been even one documented instance in which sport divers have destroyed these ships or their artifacts.

Mr. Chairman, the authors of this bill don't like to hear this but admiralty law has worked well: Shipwrecks and artifacts have not been destroyed. Moreover, admiralty law provides the necessary incentive for private individuals to discover shipwrecks and unlike S. 858 it assures access to all interest groups.

Unless S. 858 is amended to include a guaranteed access provision for all sport divers than I will have no choice but to vigorously oppose this bill and to lobby the President to veto it.

Mr. Chairman, we must not discriminate against these 4 million Americans and those latter-day Christopher Columbus' who are willing to find and salvage these shipwrecks in a proper, safe, and archeologically-sound way.

Mr. VENTO. Mr. Chairman, how much time remains on each side?

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] has 6 minutes remaining, the gentleman from North Carolina [Mr. JONES] has

6 minutes remaining, and the gentleman from California [Mr. SHUMWAY] has 8 minutes remaining.

Mr. VENTO. Mr. Chairman, I yield 3 minutes to the gentleman from Arizona [Mr. UDALL], the distinguished chairman of the Interior and Insular Affairs Committee.

Mr. UDALL. Mr. Chairman, I rise in strong support of S. 858, the Abandoned Shipwreck Act, and urge that it be adopted without amendment. We have worked long and hard on this bill to ensure that historic shipwrecks that deserve protection receive it. The bill before us today, in my opinion, adequately protects the concerns of all groups interested in these abandoned shipwrecks.

While balancing their different concerns, the bill recognizes that these shipwrecks are part of the heritage of the entire Nation, and as such belong to all of us. It is time to do the right thing by transferring title to the States of the few shipwrecks embedded in State submerged lands or in coral formations on State lands or eligible for the National Register of Historic Places. Most shipwrecks do not qualify. But those that do obviously deserve a level of protection that admiralty courts will never be capable of giving. At the same time, this bill has defense in depth for the rights of sport divers, archeologists, salvors, and others.

It is important to bear in mind that only a minuscule number of these shipwrecks contain treasures of gold and silver. By far the larger number bear treasures more historical than monetary. These wrecks need protection.

It boggles the mind that in this day and age we could still be talking about managing a part of our national heritage on a finders-keepers basis. These irreplaceable treasures of our past should not be the exclusive domain of a few people, whether they be salvors, divers, or archeologists. By making them the property of the States, we put them in the hands of the public institutions best able to manage them.

This is a principle recognized by the many groups strongly supporting this bill and opposing all amendments to it, including the National Park Service, the State Attorneys General, the National Trust for Historic Preservation, the Underwater Society of America, and the Society for Historic Archeology.

Finally, Mr. Chairman, I must express my opposition to all the amendments that may be offered to this legislation today. The Committees on Interior and Insular Affairs and Merchant Marine and Fisheries carefully scrutinized the Senate bill and numerous suggested changes. Both committees concluded that no amendments were necessary. The amendments to be offered today that I am aware of

are not harmless. For example, the amendment removing shipwrecks embedded in State lands from the bill would cause significant damage by removing from State protection objects on their submerged lands that the States clearly should have the right to protect.

For that matter, no amendment can be considered harmless because if we send this bill back to the Senate, in all likelihood we are killing it. I strongly urge my colleagues to approve this legislation today without amendment.

□ 1515

Mr. SHUMWAY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, before we conclude this general debate, I would like to make it very clear to my colleagues on both sides of the aisle that I am not here today taking this position at the behest of any one person, or one company, or one part of the overall community of people who are interested in exploring and doing something about historic shipwrecks.

Furthermore, I think it is important that we recognize that I support enhanced attention on the part of those admiralty courts that have decided title to these wrecks, attention to the archeology that might be inherent in these shipwrecks, the culture that they might display, the effect on our history that they might produce and certainly the kind of environmental enhancement that might be suggested by creation of a park or some other type of public access. Those are steps in the right direction I think. And I think we would accomplish those things by perhaps giving direction to that effect to admiralty courts, not pulling the rug out from under them and setting up a whole new scheme by placing title in States and carrying with it all of the uncertainties that that kind of change in direction will entail. I think in the final analysis if this bill passes in its present form, it will spawn more litigation, more legal questions, more lawsuits than we have had in the past, trying to decide title in Federal district courts sitting in admiralty.

I think the better answer is for us to give that kind of direction to Federal courts. In fact, I have introduced legislation to do that but that is not before us today and I do not intend to offer that as an amendment. I just wanted the Members of this body to know that I support the archeology, the culture, the history, the environment, those things that they have talked so much about.

But I think it is important that we do make binding on States guaranteed access to sports divers, otherwise these wrecks will never be discovered and there will be no archeology to admire in the future.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. Moody], a distinguished former member of the Committee on Interior and Insular Affairs.

Mr. MOODY. Mr. Chairman, I rise in strong support of S. 858, the Abandoned Historic Shipwreck Act, and in opposition to any weakening amendments.

This bill is long overdue. Congress has been trying for many years to pass legislation to protect our historic shipwrecks. Now is the time to enact the Abandoned Historic Shipwreck Act to ensure that our historic submerged resources are preserved.

Any amendments to this bill would sink this carefully crafted compromise. S. 858 is an excellent bill that has balanced the interests of historic preservationists, archeologists, and sports divers.

Removing the jurisdiction of historic shipwrecks from the admiralty courts to the States is an excellent proposal. The States are better qualified to manage historic shipwrecks. Where admiralty courts focus on salvage interests, the States balance the interests of the salvager with the interests of the environment, historic preservation, and recreation. States are clearly in the best position to regulate and protect our irreplaceable historic and cultural artifacts.

We do not allow important historic objects to go unprotected on land. It is now time that we set up similar protection for our submerged artifacts. I urge adoption of S. 858 without weakening amendments.

Mr. JONES of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. Studds].

Mr. STUDDS. Mr. Chairman, I apologize to the Members because, not having heard all of the debate, I run the risk of repeating a couple of things.

I simply want to say I think, for once, we have an issue before us that is perhaps simpler than it has been made out to be. That is not often the case here.

This is not a very complex problem we seek to resolve, and it is not a very complex solution that your committees have suggested.

The real issue presented by the legislation is whether or not we assume that the States can manage their waters and the shipwrecks lying in them in a proper and responsible fashion.

If you assume—and this Chamber, at least as far as I can recall, is full of folks who give a great many statements about States rights—if you assume that States can exercise their responsibilities properly, then you should support this bill; if you assume that States will be fair to their own people, you should support this bill; if

you assume that a stable, predictable regulatory system to govern the excavation of shipwrecks is better than one that would probably require a Federal lawsuit every time you want to recover an underwater artifact, you should support this bill.

The Chamber is full of Members who think the States are perfectly capable of carrying out their general responsibilities with respect to the management of lands and natural resources, police and safety and other functions. If we do not fear our States, if we do not have a disrespect for their elementary capabilities elsewhere, there is no reason on this Earth that we should not vest in them unequivocally and clearly and beyond legal dispute this responsibility.

I urge Members to support this bill.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. Lowry], the chairman of the Subcommittee on Merchant Marine and Fisheries, my counterpart.

Mr. LOWRY of Washington. I thank the gentleman for yielding time to me.

Mr. Chairman, I commend the subcommittee chairman for his leadership as well as others who have worked on this important legislation.

Mr. Chairman, I would like to rise in strong support of S. 858, the abandoned historic shipwreck bill. I feel that this bill is a good piece of legislation and merits passage by the House.

As Members are aware, S. 858 was considered by the House on March 28 and failed to receive the two-thirds needed to pass under the suspension of the rules. However, the bill had strong support, evidenced by the disproportional vote of 263 to 139. I would also like to point out that S. 858 is strongly supported by the administration.

At this time, Mr. Chairman, I would like to briefly explain what S. 858 does and what it doesn't do, and give some brief background in terms of the context of the bill.

First, S. 858 is very similar to H.R. 74, which was originally introduced by our colleague, Mr. BENNETT, who has been a leader on this issue for a number of years. The primary purpose of S. 858 is for the Federal Government to assert and transfer to the States title to certain abandoned shipwrecks which are embedded in State-submerged lands, State-protected coral formations, or are determined eligible for the National Register of Historic Places.

The legislation also requires the Secretary of the Interior to prepare guidelines to assist States in developing legislation and regulations for managing these shipwrecks. Specifically, these guidelines include the following:

First, the enhancement of cultural resources;

Second, the fostering of partnership or cooperation among sport divers, fishermen, archeologists, and salvors;

Third, the facilitating of recreational access; and

Fourth, the recognition of the interest of those engaged in discovery and salvage.

Finally, the legislation encourages States to create underwater parks and clarifies that funds from the historic preservation fund may be used to study, interpret, protect, and preserve historic shipwrecks.

To reiterate, Mr. Chairman, the primary purpose of this legislation is for the Federal Government to assert title and transfer to the States the title to certain abandoned shipwrecks which are found in State waters only. In effect, Mr. Chairman, this would remove certain shipwrecks which are of historic and archeological significance to the States from Federal admiralty court jurisdiction and the "law of finds." I might add, this does not mean that the historic shipwrecks could not be salvaged. It only means that the State would clearly have title to the shipwreck and would be in a position to ensure that any salvage operation was carried out properly. The State would be able to ensure that the plan for the recovery of the ships valuables include the careful documentation which goes along with preserving the ships historical and archeological values as a window into the past.

I would like to stress here that the recovery of a ship's treasures, its cultural and historical resources, is a one-time opportunity—and it should be done properly. I believe that this legislation would assist the States in ensuring that it is done properly.

In addition, Mr. Chairman, I would like to respond to some of the points which have been raised in opposition to this legislation. First, this bill does not deny access to shipwrecks for recreational divers. In fact, the bill encourages recreational access to shipwrecks.

Second, this bill does not affect all shipwrecks in territorial water as alleged by some of its opponents. It only affects those classes of vessels which are: First, embedded in submerged lands of a State; second, embedded in coralline formations protected by a State on submerged lands; and third, on submerged lands of a State and included on the National Register of Historic Places. Given the States' incentive to only include those vessels which are truly of historical and archeological significance, and given accompanying report language which further clarifies the term "embedded," it is very clear that this legislation does not apply to all vessels in the territorial sea.

Finally, opponents assert that this bill is inconsistent with international

law and the management of the national marine sanctuaries. As chairman of the Subcommittee on Oceanography, which oversees matters both with respect to the international Law of the Sea and the National Marine Sanctuaries Program, I can assure Members that this is simply not the case. In fact, Mr. Chairman, committee report language accompanying S. 858 specifically addresses these points.

Finally, Mr. Chairman, with respect to the context of this legislation, I would like to point out that the Subcommittee on Oceanography did consider this legislation and reported out H.R. 74, favorably. S. 858 is almost identical to H.R. 74, and some of the areas where the bills differ slightly have been dealt with properly in the reports filed by both the Committee on Merchant Marine and Fisheries and the Committee on Interior and Insular Affairs. Therefore, Mr. Chairman, I would strongly urge that we pass S. 858, unamended.

Mr. Chairman, I would again like to compliment Mr. BENNETT for his steadfast leadership on this important legislation. I know that he has persisted in moving this legislation because of his strong views about the values of historic preservation and the value that these shipwrecks will have for future generations a window to the past.

Mr. Chairman, I would also like to compliment Mr. VENTO and Mr. UDALL and their staff for their fine work in moving this legislation along.

Mr. JONES of North Carolina. Mr. Chairman, I yield 2½ minutes to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, I thank the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries for the good work that they have done in bringing this bill back to the floor again for consideration and enactment.

I rise today in support of this legislation.

I suppose that I owe a note of apology to the members of the committees for not being more involved in the consideration of this bill during the committee process.

I must confess that my campaign for reelection has interfered with my interest in diving and historic shipwrecks.

Mention was made a minute ago of the *Atocha*. As many of you know, I am a professional diver. I dived as a member of one of the salvor crews in 1982 to recover the *Atocha*.

I was not one of the crew that discovered the mother lode, only a few musket balls and artifacts that were less valuable than has been publicized by the historic discovery.

I would like to compliment some of those salvors; Mel Fisher, for example,

has been mentioned. I know Captain Fisher personally. He has done a great deal to provide some of the missing links in our marine history. The artifacts have been recorded and preserved. Historic relics of public interest are displayed in museums and a service has thus been provided to the nations.

Salvors should be complimented for the most part. Some have plundered the riches of the sea but most have contributed greatly to our maritime history.

Frankly, I have some reservations about conveying admiralty jurisdiction of salvage within the 3-mile limit to the States. But we all know that the Federal Government has done a poor job, a more comprehensive approach is needed. I am hopeful that the coastal States will rise to the occasions of this national need.

There are thousands of shipwrecks to be explored. There are some 500 ships off the outer banks of North Carolina alone. There are probably more off the shore of the Florida Keys.

I applaud this initiative.

Mr. JONES of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. I thank the gentleman for yielding.

Mr. Chairman, I would like to thank the chairman of the Committee on Merchant Marine and Fisheries for yielding me the 1 minute.

Mr. Chairman, I simply want to say that the question has been raised with regard to the constitutionality of this bill. I am a strong supporter of this bill. I urge Members to vote for it, vote against all amendments for the reasons previously stated in order that it might not make a return trip to the Senate which would kill it.

I simply want to say the bill is constitutional with regard to an alleged transfer of some admiralty or maritime jurisdiction here.

The Congressional Research Service has been asked for an opinion on the matter. I hold it in my hands at this time. It says very clearly this bill before us today is constitutional and within the ambit of that provision of the Constitution as regards maritime and admiralty law. I am prepared to debate it with more specificity at the time that any of the bill's opponents may offer an amendment and draws us into this area. But I want to assure those who are looking at the bill at the present time that it is constitutional. It is also meritorious for many, many reasons.

I strongly urge Members to vote for the bill and against all amendments.

Mr. JONES of North Carolina. Mr. Chairman, how much time remains on my side?

The CHAIRMAN. The gentleman from North Carolina [Mr. JONES] has 1½ minutes left.

Mr. JONES of North Carolina. Mr. Chairman, I reserve the balance of my time.

Mr. SHUMWAY. Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of S. 858, the Abandoned Shipwreck Act.

Since 1979, the Congress has been grappling with this issue, which has become a very emotional cause among sport scuba divers and commercial salvors throughout the country.

Like many of my colleagues, my office has been inundated with letters and telephone calls from sport divers concerned about their right of access to historic shipwrecks once unconditional title of these sites is placed with the States.

Mr. Chairman, no provision of this bill is designed to deny sport divers access to shipwrecks and no State, which has developed legislation and programs to protect historic shipwreck sites, denies access to sport divers.

Sport divers rightfully claim that their members are responsible for finding many of the shipwrecks which have been identified as having historic and archeological significance. Their efforts and contributions in this area are to be commended.

But, at the same time, Mr. Chairman, irresponsible divers and salvors have been responsible for pilfering and destroying many of the underwater wrecks this legislation seeks to protect.

This legislation, which gives States clear authority to control excavation of State land for the purpose of recovering shipwrecks, also allows archeologists, commercial salvors, and sport divers to work together in developing State programs which fit the needs of the resources and population within the State.

It appears to me that these concerned divers and salvors have little or no faith in the States in developing legislation and programs.

Sport divers are afraid they will be denied their recreational activities, and commercial salvors are afraid they will not profit from the finds they locate.

I believe sport divers and commercial salvors underestimate their ability to affect legislation and State programs. Their direct involvement in such activities has been and will continue to be encouraged by the States.

I encourage their continued participation.

In essence, this is a States rights issue, with the States assuming control and management of historic and

archeological shipwrecks within their waters.

But, should these divers feel they are being treated unfairly by the States, they still possess the ability to seek relief in the State courts.

I would like to emphasize that the decades-old admiralty laws give rights to abandoned shipwrecks only to salvage crews, not to stripping crews.

This legislation was drafted because of the differing and confusing opinions and interpretations of admiralty laws rendered by our Federal courts, which have thrown into doubt the legal regulations that govern abandoned shipwrecks within State waters.

This confusion and the threat of lengthy and costly litigation in determining Federal/State jurisdiction of such sites has thwarted State development of underwater parks.

Enactment of this legislation, Mr. Chairman, will encourage States to develop underwater recreational facilities, thus enhancing the opportunities of diving enthusiasts—now and for future generations—through the multiple-use management of these resources.

I urge passage of S. 858 without amendment.

Mr. VENTO. Mr. Chairman, I yield 1 minute to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Chairman, I come from Charleston, SC, a community which, like the Chinese, eats rice and worships its ancestors. I would imagine that we have—I know that we have had more naval battles fought in Charleston Harbor and off Charleston Harbor than any other place in the United States.

□ 1530.

As a matter of fact, the first successful submarine was a honey down there which slipped out of Breach Inlet one night in 1863 and sank the Yankee warship, Federal warship, Union warship, *Housatonic*, and our Department of Archives in South Carolina is in enthusiastic support of this legislation. It is going to be great to get it out of the confusing area of admiralty law and into the more definite area of State law. It is the first time since I have been here in Congress when I have seen any true States rights legislation come before the Congress, and, whenever us southerners have an opportunity or estimates of those of you who believe in States rights to pass States rights legislation, you should do so.

Mr. Chairman, I encourage voting for the bill and resistance of all efforts at amendments which, if it got back in the Senate, would kill it just as sure as my name is Arthur.

Mr. SHUMWAY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I am trying to understand the bill here. I wonder if somebody can answer a question for me.

Do I understand correctly under the bill that the States can pretty much decide who has access to the shipwrecks if this bill passes?

In other words, it will be State regulation?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. VENTO. To the shipwrecks which would be transferred, which would of course be those specific ones, about 5 percent or 250 to 500 in submerged lands which are now—

Mr. WALKER. OK; I understand that. Some of this lands for instance, is in the Caribbean.

Mr. VENTO. Insofar as the territories it would be 2 to 3 miles out except where it is otherwise specified in the provisions of the bill.

Mr. WALKER. Now could they, for instance, deny access to Federal Government agencies?

Mr. VENTO. There is a report on this that I would point out. The committee expects that, of course, sport divers would be allowed access, and I am reading this from that committee report, to historic shipwrecks to the fullest extent practical. They would also of course be able to regulate the other Federal agencies in terms of types of access. Of course, those lands which we have specifically set aside—

Mr. WALKER. The States then would be able to tell certain Federal agencies that they could not, for instance, dive at these shipwrecks?

Mr. VENTO. That would be correct, yes.

Mr. WALKER. In other words, then we could have a situation off the Caribbean where right now we have a lot of drug running in that area, and we are setting up then protected waters that could be denied to the Federal Government agencies such as the Drug Enforcement Agency of exploration. You know we know already that in protected public lands, it is one of the places they have gone to grow marijuana, and you know it is a situation where we have already had that problem to some extent.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Just let me make my point.

If I understand the gentleman correctly, you could in fact have, probably not by intent, you know, but at least by action you could have a situation where you could set up a drop point for drugs coming into the country that would be unavailable for in-

vestigation by the Drug Enforcement Administration. If I understand the gentleman correctly, I am wondering if maybe we at least ought to have an amendment to clarify the bill in that regard to assure that we are not going to have antidrug enforcement.

Mr. VENTO. Mr. Chairman, I think that there are in the provisions access rights guaranteed for obviously the purpose here is for of course the preservation of those resources that qualify.

Mr. WALKER. Of course. I understand the intent.

But what I am saying is we often intend to do good things around here, and then we leave major loopholes.

Now I just understood the gentleman from Minnesota a moment ago telling me that in fact some States could along the way keep a Federal agency from utilizing the site.

Mr. VENTO. Yes, that is correct.

Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Minnesota.

Mr. VENTO. They would regulate the States and be given the right to regulate that property in the joint preservation purposes, and they could permit access for a variety of purposes.

Mr. WALKER. The gentleman from Pennsylvania is saying one of the things we could end up doing on that is denying access to the Drug Enforcement Administration as we now understand on public lands—

Mr. VENTO. Mr. Chairman, if the gentleman will yield, if the States are somehow in collusion with the drug dealers—

Mr. WALKER. I am saying it could be done unintentionally, but the fact is that we could end up with a situation where I think we ought to at least clarify.

Mr. SHUMWAY. Mr. Chairman, I yield myself 1 minute, and I have no further requests for time beyond that.

Mr. Chairman, I would just like to make clear my position once again because I think some speakers have misunderstood what I said earlier in this general debate. I am not trying to pull the rug out from under States and deny States rights or indicate some lack of confidence in States. I am just saying that certainly States can provide the kind of access that we want them to provide.

But, Mr. Chairman, I think that we need to construct the structure in which they will do that and satisfy ourselves that indeed they will do that. Up to now the history of States has been very spotty, and some of them indeed have been very restrictive in allowing any access at all, and we would not want that to be the result that flowed from this bill.

Mr. Chairman, my amendment, therefore, will say States should go ahead and make their amendments, and regulations and so forth, but the Federal Government will reserve the right to see to it that indeed you do that. It is not a State-gutting amendment, but one just to put some teeth in the legislation and indeed carry out what I perceive to be congressional intent.

Mr. JONES of North Carolina. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to rise to point out that I do not question the gentleman's intentions. I understand that they are good intentions.

Mr. Chairman, I just want to suggest that we have to look specifically at what the impact of these amendments are that the gentleman intends to offer and others as well. And the fact is that this bill clarifies and takes us out of the case of litigation where very often, if any rights are to be established, whether they be for historic preservation, whether they be for sports divers or salvors where those rights have been established in admiralty court. Admiralty court recognizes the right of finds and the right of salvage. Those are the two basic provisions in law that govern us, and they frankly do not address themselves to historic preservation in our maritime heritage.

I would just conclude, Mr. Chairman, by pointing out that this legislation is supported by the administration, supported by the Department of the Interior, the National Parks Service, supported by most of the conservation and preservation groups for one good reason. They trust the States to do what is right to in fact regulate historic preservation and these resources as they do all our other historic resources within the States.

Mr. FRENZEL. Mr. Chairman, on the first Shumway amendment I was not able to reach the floor in time to vote. Had I been able to do so, I would have voted "aye."

Had that amendment been adopted, I would have voted in favor of the bill. However the sponsors, consistent with their previous efforts to avoid amendments through the suspension process, were determined to accept no changes.

Therefore, I am obliged to vote "no" as I did when the bill was defeated on suspension. My obligations relate as much to the procedures until which the bill was handled as to the content of the bill.

Mr. SHAW. Mr. Chairman, I rise in support of S. 858, the Abandoned Shipwreck Act of 1987. I urge my colleagues to vote for this bill which my friend and colleague from Florida, Mr. BENNETT, has worked on over the last several years. Furthermore, I urge my colleagues to oppose any amendments as I believe that most major concerns have been addressed by the Senate's actions.

This legislation is needed to allow States to utilize their existing authority without going through costly, time-consuming fights in Federal admiralty court. Some opponents of S. 858 have been under the impression that it would grant States new authority to claim title to the historic shipwrecks in question, to the contrary, this bill makes it less onerous to apply existing authority. My own State of Florida has used this authority responsibly in an effort to ensure access for all Americans to these historical sites.

I understand that some critics of S. 858 fear that it will discourage commercial salvors, our modern-day treasure hunters, from looking for new historical shipwrecks. Although this legislation would admittedly subject salvors to Government regulations that they have not previously been covered by, I do not believe it is fair to characterize this as blocking salvor's access, or any other user group for that matter, from historical ship exploration. I would maintain that for those adventurers whose ambitions to search for buried treasures in shipwrecks perhaps began in childhood with make-believe pirate games, this bill would not dampen their desire to continue their explorations. And, I might also note that in virtually every coastal State with the exception of Florida, shipwrecks of historical significance have not been found by commercial salvors, but by sports divers, archaeologists, scholars, and historians. Consequently, I do not believe that this bill will result in the complete demise of new shipwreck discoveries.

Let me conclude, Mr. Chairman, by once again urging my colleagues to support S. 858 without amendments. This bill will go a long way toward protecting our Nation's nautical rich heritage and history. This history is manifested in shipwrecks which have been hidden in the depths of our coastal waters for decades, and sometimes centuries, and should be protected and preserved for the sports divers, archaeologist, and historians of the future.

Mr. DAVIS of Michigan. Mr. Chairman, I rise today to support the idea behind this bill and to commend my colleague, Congressman SHUMWAY, for allowing us the opportunity to consider this bill in an open manner, where necessary amendments can be offered.

Giving States title to abandoned historic shipwrecks, if the States will manage them responsibly, is an excellent concept. However, that is not what S. 858 does.

The primary flaw in the bill is that there is no way to ensure that States will balance the interests affected by granting States title to certain shipwrecks. We may hope that States will act in a responsible manner, such as my own State of Michigan, which has an exemplary program. The State has created six underwater preserves for a few important shipwrecks where divers explore these significant relics. The State also features a number of maritime museums which house wrecks salvaged from the cold waters of the Great Lakes. However, if a State should evoke the name of historic preservation to bar recreational divers or responsible salvors access to these shipwrecks, there is nothing in this bill to stop them.

In addition, the bill as drafted affects many more than just historic shipwrecks—all ship-

wrecks which are abandoned and are covered by shifting sand will belong to the States. The bill also grants title to shipwrecks beyond a 3-mile territorial sea—an action which gives the State Department some pause. Finally, the bill may complicate the management of our National Marine Sanctuaries located in State waters.

Further, I note that in the committee's report on section 5(b) of S. 858, we encourage the formation of a committee to balance the concerns of various interest groups in developing guidelines under the legislation. It is the expectation that the committee will be formed under the requirements of the Federal Advisory Committee Act.

The amendments to be offered by Congressman SHUMWAY will remedy these flaws and greatly improve the bill. I also have an amendment which will encourage uniform State regulation to protect divers on these shipwrecks. I also understand that Congressman MOLINARI is interested in offering an amendment on diver safety. Such an amendment deserves our favorable consideration.

Mr. Chairman, the diving community is the largest group affected by this bill. My amendment, which I will not offer today and in which I am joined by my colleague from New York, Mr. MOLINARI, would have recognized the use of the traditional divers flag and the right of the States to regulate recreational diving safety within their waters.

In recent years confusion has developed between the requirements of Federal law under the Inland Navigational Rules Act of 1980 and various State regulations that govern diving activities. In particular, the proper signal to display when diving has been particularly troublesome. The States that have elected to regulate diving safety call for the display of a divers flag which is traditionally recognized as a bright or fluorescent red flag having a diagonal white stripe. The Federal rules, however, do not recognize this traditional safety signal.

In title II of Public Law 98-498 entitled "Marine Safety," two Coast Guard safety advisory bodies, the Rules of the Road Advisory Council and the National Boating Safety Advisory Council were directed to study this problem and to make recommendations regarding safety and recreational diving operations and navigation. Both safety councils recommended that the regulation of recreational diving safety and the need for the display of the traditionally recognized divers flag was best left to the States and that no Federal legislation or regulation was required.

My proposal merely would have recognized the role of the States in regulating recreational diving safety and removed any ambiguity or conflict between the State regulations and the Federal navigation rules. No new Federal regulations would have been required as a result of this change. The provision would have emphasized that the display of the divers flag should not interfere with commercial navigation. Further, it would have encouraged the States to coordinate their regulations so that they would be as uniform as possible and would urge the U.S. Government to propose consideration of the traditional divers flag as a safety measure by the international communi-

ty. No interference with commercial vessel traffic would have been permitted.

Finally, this amendment would not have exempted divers from compliance with the Inland Navigational Rules where they apply. It would, however, have enabled the recreational diving community to enjoy its activities without the fear of technically being out of compliance with the Federal navigation rules which were designed for commercial operations. I hope we can correct this deficiency and pursue this needed statutory change either as an amendment to this bill or in separate legislation as soon as possible.

Mr. HUTTO. Mr. Chairman, due to a death in the family I will not be able to participate in the floor debate for S. 858. I would like to submit for the record my position on this legislation. As I did in the Merchant Marine and Fisheries Committee markup, I continue to support two of Mr. SHUMWAY's amendments. I believe Mr. SHUMWAY's amendment to make binding on States the rights of access that are contained in the bill's declaration of congressional policy and provide for judicial review in Federal district courts of claims that the States are not meeting these requirements. I also fully support Mr. SHUMWAY's amendment to limit the scope of the bill by specifying that the bill conveys to the States only those shipwrecks in State waters that are on or eligible for the National Register of Historic Places. I cannot, however, support Mr. SHUMWAY's amendment that would limit State submerged land to 3 miles offshore.

The first two Shumway amendments would greatly improve the bill. I have heard an outcry of support from the First Congressional District of Florida for Mr. SHUMWAY's perfecting amendments to S. 858. Therefore, I could support this legislation with the Shumway amendments.

□ 1537

Mr. JONES of North Carolina. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time has expired.

Pursuant to the rule, each section of the bill is considered as having been read for amendment under the 5-minute rule.

The Clerk will designate section 1.

Mr. VENTO. Mr. Chairman, I ask unanimous consent that the bill be printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The text of S. 858 is as follows:

S. 858

SECTION 1. SHORT TITLE.

This Act may be cited as the "Abandoned Shipwreck Act of 1987".

SEC. 2 FINDINGS.

The Congress finds that—

(a) States have the responsibility for management of a broad range of living and non-living resources in State waters and submerged lands; and

(b) included in the range of resources are certain abandoned shipwrecks, which have been deserted and to which the owner has

relinquished ownership rights with no retention.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(a) the term "embedded" means firmly affixed in the submerged lands or in coralline formations such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the shipwreck, its cargo, and any part thereof;

(b) the term "National Register" means the National Register of Historic Places maintained by the Secretary of the Interior under section 101 of the National Historic Preservation Act (16 U.S.C. 470a);

(c) the terms "public lands," "Indian lands" and "Indian tribe" have the same meaning given the terms in the Archaeological Resource Protection Act of 1979 (16 U.S.C. 470aa-4701l);

(d) the term "shipwreck" means a vessel or wreck, its cargo, and other contents;

(e) the term "State" means a State of the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands; and

(f) the term "submerged lands" means the lands—

(1) that are "lands beneath navigable waters," as defined in section 21 of the Submerged Lands Act (43 U.S.C. 1301);

(2) of Puerto Rico, as described in section 8 of the Act of March 2, 1917, as amended (48 U.S.C. 749);

(3) of Guam, the Virgin Islands and American Samoa, as described in section 1 of Public Law 93-435 (48 U.S.C. 1705); and

(4) of the Commonwealth of the Northern Mariana Islands, as described in section 801 of Public Law 94-241 (48 U.S.C. 1681).

SEC. 4. RIGHTS OF ACCESS.

(a) ACCESS RIGHTS.—In order to—

(1) clarify that State waters and shipwrecks offer recreational and educational opportunities to sport divers and other interested groups, as well as irreplaceable State resources for tourism, biological sanctuaries, and historical research; and

(2) provide that reasonable access by the public to such abandoned shipwrecks be permitted by the State holding title to such shipwrecks pursuant to section 6 of this Act, it is the declared policy of the Congress that States carry out their responsibilities under this Act to develop appropriate and consistent policies so as to—

(A) protect natural resources and habitat areas

(B) guarantee recreational exploration of shipwreck sites and

(C) allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

(b) PARKS AND PROTECTED AREAS.—In managing the resources subject to the provisions of this Act, States are encouraged to create underwater parks or areas to provide additional protection for such resources. Funds available to States from grants from the Historic Preservation Fund shall be available, in accordance with the provisions of title I of the National Historic Preservation Act, for the study, interpretation, protection, and preservation of historic shipwrecks and properties.

SEC. 5. PREPARATION OF GUIDELINES.

(a) In order to encourage the development of underwater parks and the administrative cooperation necessary for the comprehensive management of underwater resources

related to historic shipwrecks, the Secretary of the Interior, acting through the Director of the National Park Service, shall within nine months after the date of enactment of this Act prepare and publish guidelines in the Federal Register which shall seek to:

(1) maximize the enhancement of cultural resources;

(2) foster a partnership among sport divers, fishermen, archeologists, salvors, and other interests to manage shipwreck resources of the States and the United States;

(3) facilitate access and utilization by recreational interests;

(4) recognize the interests of individuals and groups engaged in shipwreck discovery and salvage.

(b) Such guidelines shall be developed after consultation with appropriate public and private sector interests (including the Secretary of Commerce, the Advisory Council on Historic Preservation, sport divers, State Historic Preservation Officers, professional dive operators, salvors, archeologists, historic preservationists, and fishermen).

(c) Such guidelines shall be available to assist States and the appropriate Federal agencies in developing legislation and regulations to carry out their responsibilities under this Act.

SEC. 6. RIGHTS OF OWNERSHIP.

(a) UNITED STATES TITLE.—The United States asserts title to any abandoned shipwreck that is—

(1) embedded in submerged lands of a State;

(2) embedded in coralline formations protected by a State on submerged lands of a State; or

(3) on submerged lands of a State and is included in or determined eligible for inclusion in the National Register.

(b) The public shall be given adequate notice of the location of any shipwreck to which title is asserted under this section. The Secretary of the Interior, after consultation with the appropriate State Historic Preservation Officer, shall make a written determination that an abandoned shipwreck meets the criteria for eligibility for inclusion in the National Register of Historic Places under clause (a)(3).

(c) TRANSFER OF TITLE TO STATES.—The title of the United States to any abandoned shipwreck asserted under subsection (a) of this section is transferred to the State in or on whose submerged lands the shipwreck is located.

(d) EXCEPTION.—Any abandoned shipwreck in or on the public lands of the United States is the property of the United States Government. Any abandoned shipwreck in or on any Indian lands is the property of the Indian tribe owning such lands.

(e) RESERVATION OF RIGHTS.—This section does not affect any right reserved by the United States or by any State (including any right reserved with respect to Indian lands) under—

(1) section 3, 5, or 6 of the Submerged Lands Act (43 U.S.C. 1311, 1313, and 1314); or

(2) section 19 or 20 of the Act of March 3, 1899 (46 U.S.C. 414 and 415).

SEC. 7. RELATIONSHIP TO OTHER LAWS.

(a) LAW OF SALVAGE AND THE LAW OF FINDS.—The law of salvage and the law of finds shall not apply to abandoned shipwrecks to which section 6 of this Act applies.

(b) LAWS OF THE UNITED STATES.—This Act shall not change the laws of the United

States relating to shipwrecks, other than those to which this Act applies.

(c) **EFFECTIVE DATE.**—This Act shall not affect any legal proceeding brought prior to the date of enactment of this Act.

AMENDMENT OFFERED BY MR. SHUMWAY

Mr. SHUMWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUMWAY: Section 4 of S. 858 is amended by striking: "It is the declared policy of the Congress that States carry out their responsibilities under this Act to develop appropriate and consistent policies so as to—".

And substituting in its place: "any shipwrecks transferred to a State under Section 6 of this Act shall be managed by the State consistently with the guidelines prepared under section 5 so as to—".

Section 4 is further amended by redesignating paragraph (b) as (c) and inserting a new paragraph (b) to read as follows:

"(b) **FEDERAL JUDICIAL REVIEW.**—Any dispute as to whether a state is properly implementing the rights of access requirements in paragraph (a) of this section is reviewable in the Federal District Court of jurisdiction for that state."

Mr. SHUMWAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHUMWAY. Mr. Chairman, those of us who, for years now, have voiced legitimate concerns about the effect of this bill on sport divers and the private sector have been accused of using scare tactics to defeat this bill. To paraphrase Shakespeare's Mark Antony, I come not to bury the bill, but to improve it.

There's nothing frightening about my amendment. The amendment merely strengthens provisions which are already in the bill. It assures that we will end up with the kind of reasonable and fair State shipwreck management programs, and the kind of private sector shipwreck diving access, which the authors and proponents of this bill say they hope to have.

My amendment simply states that a State in developing its shipwreck laws and programs shall meet three responsibilities:

First, to protect natural resources and habitat areas;

Second, to guarantee recreational exploration of shipwreck sites; and

Third, to allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

Clearly, these three requirements are reasonable policy objectives. And since the bill already says that States should meet these three responsibilities, the authors and proponents of

the bill should have no objection to them.

If there are scare tactics being used, it's by those who are saying that all amendments are killer amendments. I've not heard one substantive argument against the merits of my amendment. The only stated reason to oppose this amendment that I am aware of is that fear held by some that if we amend the bill and send it back to the Senate, there is no assurance the other body will act on it again. I am sure that the millions of sport divers—the largest constituency affected by this bill—do not find that argument persuasive, and, frankly, I think we'd be failing to live up to our duty if we don't pass the best bill we can.

There are two very important reasons why my amendment should be passed before the bill is enacted.

First, it's needed to make sure that the bill is consistent with article III, section 2 of the U.S. Constitution. This provision clearly states that the Federal "judicial power shall extend to all cases of admiralty and maritime matters." Under my amendment, Federal courts will continue to have jurisdiction to ensure that a State is meeting the Federal rights-of-access provisions as a condition of title resting in States.

Without this Federal judicial review provision, we will be abdicating any and all Federal involvement, including 200 years of judicial precedent. Some of the authors and proponents of the bill are on record as saying that all legal questions regarding these shipwrecks will be left up to State courts if this bill is enacted. Given that the Constitution says these are matters under the jurisdiction of the Federal judiciary, I would question whether S. 858, without my amendment, could be upheld as constitutional.

Second, my amendment is needed because without a binding right to access provision, the private sector has good reason to fear that its access will be curtailed by States. And in the process, the private sector's incentive to go out and find these wrecks will be, for the most part, eliminated.

Let me give some examples of how the private sector and responsible sport divers will lose out under this legislation if not amended.

According to testimony in our hearing, the State of Wisconsin attempted in 1986 to enact legislation which would have asserted ownership to 300 shipwrecks lying in State waters, leaving only the rest open for sport diving. The problem was, there are only 300 known shipwrecks in Wisconsin waters, and therefore nothing was left for sport divers.

The CHAIRMAN. The time of the gentleman from California [Mr. SHUMWAY] has expired.

(By unanimous consent, Mr. SHUMWAY was allowed to proceed for an additional 3 minutes.)

Mr. SHUMWAY. Mr. Chairman, Georgia now has a new law on its books passed just last month which makes all shipwreck exploration—even if it is only recreational or nonharmful exploration—subject to a State permitting procedure which includes such onerous regulations as:

A requirement that a professional archaeologist supervise shipwreck exploration dives;

A requirement that an applicant for an exploration permit demonstrate that the dive is in "the public interest" and that it "further[s] archeological or historical knowledge"; and

A requirement that an applicant must be associated with a "scientific or educational institution" or "demonstrate financial ability."

We are talking about sport divers here. All that these kinds of laws and restrictive regulations will accomplish is to ensure that the majority of historic shipwrecks are never discovered.

In Texas, there is a similar law on the books where again the private sector is, in effect, outlawed from even looking for shipwrecks. As a result, very few shipwrecks are ever found there any more.

In New Jersey, a diver was arrested by the State simply for diving on a shipwreck.

In Florida, the Marine Patrol has run divers out of State waters for diving with metal detectors in search of shipwrecks, maintaining that they need a permit to dive with metal detectors. Such a permit would cost \$600, take over a year to get, and have to be approved by a State archaeologist.

In Virginia, sport divers were responsible for locating Revolutionary War wrecks at Yorktown. Their reward for locating these wrecks was for the State to hire an archeologist to perform exclusive excavation. The State now controls the site and recreational diving on the site has ceased.

There are countless other examples where States have used a heavy handed approach toward recreational divers and the private sector.

By giving State bureaucracies complete control over shipwrecks, this bill would, in effect, throw a wet blanket on the private sector's incentive to go out and discover shipwrecks, and that certainly is not an archaeologically sound idea. We risk never finding out the history of many of these great vessels if we destroy the incentives of the private sector. And we will eliminate their recreational value to many sport divers in the process.

Mr. Chairman, I have the Oceanography Subcommittee hearing record here from April 27, 1987, our subcommittee's last hearing on the matter.

On page 18, I specifically asked Mr. BENNETT, the author of the House bill:

Would you . . . be willing to strengthen those [section 4 "Rights of Access"] provisions by making them requirements on States before States could actually exercise management jurisdiction?

Mr. BENNETT's response was, "Yes, I would, and I think States would agree." There are other instances in the record where Mr. BENNETT reiterates he has no problem with this approach. For instance, he says that "Perhaps this committee working on Congressman SHUMWAY's suggestion might want to add provisions along these lines. . . ."

I also asked the State representatives if they would support binding Federal requirements regarding rights to access in the legislation, and South Carolina, Florida, and New Jersey—all of the States present at the hearing—said on page 39 of the hearing record that they would have no problem with this approach. And the administration witness likewise said that they would support binding Federal requirements on States.

In essence, all of these witnesses, including the author of the House bill, specifically testified that they support my amendment. Given such testimony of support, it should be viewed as non-controversial, and not be rejected today.

Again, Mr. Chairman, the only opposition that I have heard is that to improve the bill by amending it would mean sending it back to the Senate where there is no assurance that they will act on it again. To me that is not a valid basis for opposing this amendment. The bill passed the Senate under unanimous consent already this Congress, and there is no reason to believe a vastly improved version, if sent back by the House, will not pass unanimously again.

Let us strike a chord for reason and support private sector initiatives. Let us see to it that we vote the best bill possible.

□ 1545

Mr. BROOKS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California [Mr. SHUMWAY].

Mr. Chairman, I rise in strong opposition to the proposed amendment to require States to provide sport divers and private sector salvors with access to these shipwrecks. The effect of this amendment would be to negate the major objective of this important legislation, which I have supported since its first introduction in this House.

As has been the case with other historic preservation legislation passed by Congress, this bill seeks precisely to protect our national historic resources from exploitation and destruction from inexperienced or unscrupulous businessmen who show ignorance of,

or disregard for, our Nation's heritage. Experience with the National Historic Preservation Act of 1966 and the Archeological Resources Protection Act of 1979 demonstrate clearly that States can and do best manage our historic sites—under Federal guidelines.

Testimony on this legislation by many coastal States before congressional committee show that they intend to follow this wise course in regard to historic shipwrecks. I see no reason to believe that States will now prevent reasonable access to shipwrecks by sport divers, private salvors, while keeping a careful eye on preserving an important part of our national historic record, and I urge my colleagues to oppose this amendment.

I would further suggest that the bill itself, if my colleagues are interested in doing what they say want to do, they should read the bill because the bill guarantees recreational exploration of shipwreck sites. In the report itself it makes very clear that it directs the States "to develop appropriate and consistent policies to protect natural resources, to guarantee recreational access and to allow for appropriate public and private recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and sites."

Mr. Chairman, this is the way to do it.

If my colleagues want to give people access to them, let them look all they want, nobody will stop them from going and looking. What we are trying to stop them from doing is to destroy them and steal all the artifacts and destroying the archeological value of those shipwrecks. This has happened in other parts of the world. On a television story within just the last few days I saw an illustration of people trying to explore old shipwrecks that dated from 1500 B.C. in the Mediterranean, and the difficulty was that the archeological underwater people, one of the leaders of that group is from Texas A&M in the University of Texas system was bemoaning the fact that instead of laying out grids so they could actually determine the location and find what was there and catalog it and number it and interpret it and evaluate it, they were afraid they would not finish that summer and by the next summer when they could come back with their volunteer divers from England in this particular operation, that the sport divers and the salvors and the private investors and the underwater thieves would steal everything down there that they could get within 2 feet of the surface and that they would destroy to a large extent the archeological value of that shipwreck that is 3,500 years old, one of the oldest known relics from that era.

I think it would be disgraceful to have us follow that kind of a policy in

this country. We ought to kill the amendment.

Mr. GEKAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from Minnesota [Mr. VENTO] in advancing the support of the bill that he hopes to gain from the Members cites the fact that the administration is in favor of the bill and then in the same breath asks that we reject the Shumway amendment partially because of the same reason. I want to point out for the record that the administration, although it favors the bill, also favors the Shumway amendment to mitigate the effort and the effect of the bill.

For that purpose, we must at least acknowledge that the Shumway amendment for whatever value it is to the gentleman from Minnesota and his supporters, is part of what the administration would like to see in the final bill.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, in testimony before the committees, I am aware of the Department of the Interior through the National Park Service appearing in support of the bill, and a statement of policy from the administration that they support the bill as it passed the Senate. There has been no testimony on the record to date or any other correspondence implying that the administration favors any amendments.

In any case, the official record of the hearing is what I refer to on that point.

Whether my colleagues have been able to come up with something since then, I have not seen it.

Mr. GEKAS. Mr. Chairman, reclaiming my time, I would simply ask the gentleman from Minnesota [Mr. VENTO] if he would reject the notion that the Department of Commerce supports the Shumway amendment or if the gentleman even knows?

Mr. VENTO. If the gentleman will continue to yield, I have had no communication with the Department of Commerce. We have satisfied the Department of State who supports the bill with the modification in the report language to provide assurances that they have with the Department of the Interior and with others. I am not aware of the Department of Commerce's position on this bill.

Mr. GEKAS. Mr. Chairman, reclaiming my time, I reassert the fact that the administration does support the amendment of the gentleman from California [Mr. SHUMWAY] in advancing these modest amendments which would guarantee some of the rights which the gentleman from Minnesota [Mr. VENTO] says are already in the bill.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. GEKAS] has expired.

(By unanimous consent, Mr. GEKAS was allowed to proceed for 3 additional minutes.)

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. Mr. Chairman, I am happy to yield to the gentleman from California.

Mr. SHUMWAY. Mr. Chairman, I would like to state in response to the contention made by the gentleman from Minnesota [Mr. VENTO] that the hearing record does contain testimony to the effect that the administration is supportive of the approach which is indicated by this amendment.

Mr. Kaufman testified on behalf of the National Ocean and Atmospheric Administration representing the Department of Commerce. On page 29 of the hearing record I said in a question to Mr. Kaufman, "In all of your zeal to recognize and preserve States rights, would you support minimum Federal requirements which would be binding on the States in this regard?"

Mr. Kaufman's answer was, "Minimum Federal requirements, yes."

So I think there is testimony in the record on that point. I have testimony by statement from the administration that indeed these amendments are well taken and they do have administration support.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. Mr. Chairman, I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I have a statement of administration policy dated March 31, 1988. I cannot go back into other committee records to get questions and answers but it reads here that "The administration supports enactment of Senate bill 858," so the record is clear as of March 31, 1988. I do not know what happened before that and who answered such and such questions, but I think it is clear the administration supports the bill.

Mr. GEKAS. Mr. Chairman, reclaiming my time, I simply want to point out that on page 10 of the report to which the gentleman from California [Mr. SHUMWAY] has alluded, there is an assertion that the Department of Commerce supports enactment of S. 858 but believes it should be amended as set forth below, and then proceeds to outline language that is incorporated by the gentleman from California in the current amendment. So I think the clear statement of the administration's view on this bill rather than to allow it to baldly be in the record as being supportive of the bill is that it is also supportive of the bill with the Shumway curing amendment.

Mr. VENTO. Mr. Chairman, if the gentleman will continue to yield, in

looking at the amendment, or looking at the report, the report talks about a reservation with regard to marine sanctuaries. It does not address itself to the amendment that we have before us. In fact, the reports of the Committee on Interior and Insular Affairs clearly established that reservation with regard to marine sanctuaries in the text of the bill and in the reports. So I think that that question is satisfied. The administration's reservation from the Department of Commerce has really nothing to do with the current Shumway amendment before us at this time.

Mr. GEKAS. Mr. Chairman, reclaiming my time, I reassert that the record shows, and our assertions show and the indications we have from the administration indicate that the Shumway amendment is supported by the administration.

Mrs. MORELLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want to ask a question of the gentleman from Minnesota [Mr. VENTO] who is floor managing the bill. My question has to do with the Shumway amendment, and it is this: Is it the belief of the committees of jurisdiction that the policies that are in section 4 of the Senate bill, S. 858, that means referring to the sports diving access, that those policies are binding and could be litigated in State courts?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mrs. MORELLA. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the rights to access is section 4 and the fact is that what the intent is, is to provide reasonable access consistent with the responsibilities of preserving the maritime resources, and in the process of doing that to guarantee recreational exploration of the shipwreck sites. That includes recreational exploration for sport divers, for archeologists, for historians, and for others that have an interest in this matter. The fact is that if there was an appeal with regard to this the determination would be made in the State courts.

The mischievousness of this amendment gets to the fact that it purports to give this right in one case, then takes it back in the other case by throwing the entire issue back in Federal court, back into admiralty court, and admiralty court, I may remind my colleagues, does not represent or reserve rights for sports divers, for archeologists, and for historic preservation experts. The fact of the matter is that in admiralty court the general circumstances that these activities are under, whether they be sport divers or preservation activities, they really are at the pleasure of the salvor which is the recognized right in admiralty

court. That has a completely different purpose than the historic preservation of these few shipwrecks that we are trying to deal with on State submerged lands 2 to 3 miles off the coast.

Mr. Chairman, I thank the gentlewoman from Maryland [Mrs. MORELLA] for her question, and I think it points out also the problems with the Shumway amendment.

Mrs. MORELLA. So that in effect we would be setting up another bureaucratic layer in order to police the States?

Mr. VENTO. If the gentlewoman will continue to yield, this amendment would really gut the legislation in the sense that it purports to give rights on the one hand to the States, and then takes it back by throwing it right back into admiralty court and admiralty court continues to be the basis on which the judgment is made.

If it is desired to get a policy, we would have to approach this in terms of policy in court by a court-by-court decision, which is back where we are today. It does not do what the legislation is intended to do as originally developed.

Mr. SHUMWAY. Mr. Chairman, will the gentleman yield?

Mrs. MORELLA. Mr. Chairman, I am happy to yield to the gentleman from California.

□ 1600

Mr. SHUMWAY. My amendment simply says the following. It does not give and take back. It is that the role of the Federal court is simply, and this is the language of the amendment, any dispute as to whether a State is properly implementing the rights of access requirements or not shall be decided in the Federal court. That is not any kind of a takeback or a replacement into admiralty. It is simply retaining the Federal district court's jurisdiction over whether States, indeed, are giving the right of access that we want them to give.

Mrs. MORELLA. Right now though the jurisdiction and litigation possibilities rest with the State courts? Right?

Mr. SHUMWAY. That is correct. Right. Now, under the law, the title to those wrecks is determined in admiralty.

I am saying the continuing role of the Federal district court shall be to oversee what the State is doing to be sure that it is providing the access that everybody says we want to provide.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mrs. MORELLA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the interpretation is we would be reverting right back to the Federal district court to make the decisions, we are going to revert right back, and we

are chasing our tail around a tree is what is going on. We are going to revert right back to the situation we have today where the States have to go into Federal court in order to assert whatever right it is they have in terms of historic shipwrecks. That is what the amendment does, and if it is not understandable, that is regrettable. That is one of the reasons that apparently these amendments should be rejected, in other words, this just takes us back full circle right back where the salvor then has the absolute right to dictate to the divers and to dictate to the historic preservation purposes, and we will be right back where we started.

Mr. SHUMWAY. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from California.

Mr. SHUMWAY. Section 7 of the bill S. 858 says the law of salvage and finds shall not apply to abandoned shipwrecks under this act, and it is not a case then of putting right back into the district courts the same structure that we have now. That section is being repealed. That kind of admiralty jurisdiction is being repealed. We are simply reserving an oversight rule for Federal courts to see to it that these rights of access are, indeed, preserved.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand that this amendment has been called the "diver access" amendment. But I see no particular access for divers here. Access for divers is clearly set forth in the bill, in report language and in our floor debates. When a court looks to find congressional intent in passing this bill they will have no difficulty whatsoever in determining that we clearly intend that sport divers should have all reasonable access to shipwrecks. When S. 858 becomes law it and the policies contained in it will be binding. This amendment does not do what it claims to do, and is unnecessary as well. I want to add that admiralty law has no interest in the sport diver access. Admiralty courts are not designed to establish policies, regulations or anything else to guarantee recreational access—as this bill does. That is why we are here today.

Real affect of amendment would also force States to give salvors access to these shipwrecks, in effect guaranteeing that any shipwreck could be restricted to salvors, keeping sport divers, archeologists, and other members of the public away. States would lose discretion as to how particular abandoned shipwrecks would be managed. In every case States would have to allow salvors access to these shipwrecks upon demand. That is totally contrary to the purpose of this bill. I find the idea that we should guarantee private salvors equal access to these

few shipwrecks that are valuable as part of our national heritage unacceptable and not needed. Yet that is what this amendment would do. We need to understand that these shipwrecks should belong to all the people, not to those few individuals who want to claim them for themselves.

I urge my colleagues to vote against this amendment.

Mr. JONES of North Carolina. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, this was presented in committee and discussed at length and in detail. Debate was not attempted to be closed off, and we went in depth into this amendment, and on vote, I think that it was approximately 2 to 1 against it, and here we are back again today.

I know the gentleman from California is sincere, and I have a very high regard for him. I think it comes down to this: I do not like being held hostage by the other body, but they are the facts of life this afternoon. If we want a shipwreck bill, then kill these amendments. If you do not, go ahead and vote for the amendments, and that will be all she wrote for this year.

Mr. LENT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from California [Mr. SHUMWAY] to clarify the language in the Abandoned Shipwreck Act to ensure that the intent of the legislation to protect sport divers' rights of access is carried out by the individual States.

This legislation before us today is a very important measure designed to protect for all Americans the sites where abandoned shipwrecks rest on the ocean floor. All of us want to protect these wrecks from unauthorized activities by divers that could destroy the integrity of the sites. The concept of this legislation is very worthwhile.

However, my problem with the bill, and the reason that I voted against it when it was brought to the House floor on March 29 under suspension of the rules, was that the intent of the bill and the language of the bill itself did not coincide. The proponents of this legislation have stated that the intent of the bill was that the States should ensure recreational access to these shipwrecks by sport divers once the wrecks are turned over to the States. However, the language of the bill on that point was not mandatory and there was no assurance at all that sport divers would be given access to these sites.

Additionally, under the Shumway amendment, Federal district courts would be given authority to ensure that a state is living up to this requirement. This provision would continue the historic Federal jurisdiction in admiralty law and eliminate concern of

many that each individual State would be setting different procedures resulting in a patchwork of laws and regulations dealing with access to shipwreck sites.

I believe that this amendment would satisfy the needs of the sport divers of the country who have raised concerns with many of us in Congress over the past several weeks. Since there are more than 4 million sport divers throughout this country, and these divers have been responsible for most of the discoveries of these abandoned shipwrecks, it seems to me that the Congress should acknowledge the role that these sport divers have played over the years and protect their interests in this matter and, most importantly, their access.

Mr. Chairman, I urge my colleagues to support the gentleman from California and to join with those of us who are interested in seeing that the House of Representatives enact appropriate legislation that truly carries out the will of the people.

Mr. FIELDS. Mr. Chairman, I move to strike the requisite number of words, and I rise in strong support of the Shumway sport divers guaranteed access amendment.

Mr. Chairman, while there has been much said about how S. 858 provides "reasonable access to abandoned shipwrecks" for our Nation's 4 million recreational sport divers, regrettably, the language in the bill is nothing more than a sense-of-Congress statement. It is nonbinding and unenforceable. And, if past history is any indication, sport divers, who are overwhelmingly opposed to this bill in its current form, have real cause for concern that certain States will deny them access to hundreds of shipwrecks.

As one of my constituents noted:

If S. 858 is passed, there will be no guarantee that sport divers will be allowed to continue enjoying that sport on the shallower, less dangerous, inshore shipwrecks. All shipwrecks within three leagues of shore will become the property of the State which may place access restrictions on any wreck or declare it off limits altogether.

Mr. Chairman, this amendment is identical to the one offered by our distinguished colleague during the full Merchant Marine and Fisheries Committee markup of S. 858. At that time, no one raised an objection or spoke a single word of opposition to this amendment based on its merits. In fact, the House sponsor of this bill, Congressman BENNETT, indicated he not only supported the Shumway amendment but that he would introduce a bill to eliminate this serious flaw in S. 858 after it was enacted.

The only concern expressed by the proponents of this legislation about the Shumway amendment was that it would result in this bill being sent back to the Senate.

Mr. Chairman, to vote "no" on this amendment simply because we don't want to send it back to the Senate is the wrong way to legislate. Let's improve S. 858 here and now and let's stop worrying about what the other body will or will not do.

Mr. Chairman, I also think we are making a tragic mistake if we believe that report language, "Dear Colleague" letters, and floor colloquies will safeguard the rights of our sport divers. They will not.

Without this amendment, I fear the State judges will look at the plain language of S. 858 and conclude that a State can legally prohibit any sport diver from access to any shipwreck within a State's jurisdiction. After all, one could logically conclude that if Congress intended that sport divers had a guaranteed access right to these shipwrecks, then the statute would have said so.

Moreover, if this bill is enacted without the Shumway amendment, we will eliminate all Federal jurisdictional involvement with regard to these shipwrecks. In essence, we will have abandoned the constitutional responsibility for their protection, and there will be no way to ensure that a State reasonably manages these shipwrecks.

Mr. Chairman, we are blindly assuming that States will be good neighbors and that they will manage these valuable underwater resources in a fair, equitable, and evenhanded manner. I believe there is too much at stake and too many Americans who could be adversely affected to leave this to chance.

If you want certainty, clarity, and a real guarantee that sport divers in your district and mine will have a right of access—then the only way to ensure that is to vote in favor of the Shumway amendment.

I intend to do just that and I urge my colleagues to join with me, the Reagan administration, the Professional Association of Diving Instructors, the National Association of Underwater Instructors, the National YMCA Scuba Program, the Florida Association of Dive Operators, the National Association of Scuba Diving Schools, the International Diving Educators Association, the Atlantic Alliance for Maritime Heritage Conservation, Skin Diver magazine, and Texas Scuba by voting "aye" on this critical amendment.

Mr. BENNETT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, several times even lately in the debate it has been said that I favored some aspect of access. Of course I did, because that is in the bill which I introduced, but I had reason to have concern in the last debate that was had on the floor of the House.

There was this statement made by the gentleman from California [Mr. SHUMWAY] as follows:

Let me give some examples of how the private sector and responsible sport divers will lose out under this legislation. The court held that a sport diving group had been diving on and responsibly recovering china plates and dishes from the so-called China wreck and were, therefore, entitled to unfettered access. With enactment of S. 858, there is no way for the Federal courts to protect sport diving interests as they have done in the past, and sport divers fearing heavyhanded State regulation which will greatly restrict diving access, understandably oppose this bill on this basis.

The divers responsibly recovered and preserved a whole host of artifacts and put them on public display.

That is referring to another instance. So I had a clear impression after we had the conversation that has been repeated several times here that the gentleman from California [Mr. SHUMWAY] had in mind people making dives and bringing up material and perhaps destroying wrecks.

Of course, I never had in mind that would be something that should be done, and he has reassured us today that his amendment, if adopted, would not have that construction. So he has changed his mind from his criticism of March 28 when the thing was last debated, when he said these were horrendous things that should be prevented by not passing the legislation which has been introduced, and I am glad his now interpretation of access does not include taking up materials from the bottom of the sea or in anyway altering the shipwreck.

I would like to continue for just a minute myself. The repeated statement has been made that there is no criticism of the amendment of Mr. SHUMWAY. Well, there is a very hearty criticism of the amendment as far as I am personally concerned, because if for no other reason it gives the Federal court jurisdiction to review State courts and other disputes that may occur.

□ 1615

What a horrendous situation. Why would you want to make a Federal court sit over a State court and decide a State court's decision was wrong? There are few places that have crept into the law today. They are all terrible loopholes and they should all be closed insofar as they exist. We certainly should not add another one. So I am very, very as an erstwhile lawyer—40 years ago I practiced law—I must say that it is very offensive to me. That in itself is a good enough reason to kill this particular amendment. But the main reason why has already been alluded to; the problem stated by Senator BRADLEY. It is a very clear proposition: You can nit-pick this thing, add little tiny improvements here and there to it and the trouble about it is the whole situation,

the procedure in the Senate is such that you can kill this meritorious bill by the simple process of sending it over there. The primary exponent of it—there were a lot of Senators who joined in this bill—but the primary sponsor, Senator BRADLEY, has told us that in a letter he wrote to every Member of Congress, that he thinks it would be difficult to pass and possibly impossible to pass it because of that whole procedure in the Senate which we do not control. So this amendment is a bad amendment. It is a bad amendment because it actually proves nothing. The language in the bill already says there is a guarantee of these rights. Second, the rights can be enforced in the State courts. But third, I must say I cannot imagine a worse thing to do than to put in any kind of legislation a supervision of State courts by Federal courts. I just do not understand anybody wanting to do that. It would not be a profitable thing to do from the standpoint of litigation, aside from the question of admiralty. This is aside from that entirely. That is bad to bring up the admiralty but to have a Federal court over a State court I think would be a very, very serious error and contrary to our Federal Government.

So I conclude by saying this amendment is bad, it is offensive, it adds nothing to the value of sports divers. Actually, its result will be a stroke against sports divers for the simple reason the sport divers under this legislation are being given benefits that do not now exist under existing law. There is nothing taken away from them. There is something added but nothing taken away from them.

If you pass this amendment you probably will kill any chance you have of improving their lot.

Mr. ALEXANDER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I take this time to inquire of the chairman of the committee about the insurance that he has stated is provided to the sports divers.

As a member of many of the associations which the gentleman from Texas just recited, I remember the Association of Professional Diving Instructors, among others. Those of us who are divers want to have a clear understanding and a statement from the chairman about the assurance that divers' rights will be protected to have access to the shipwrecks that lie offshore.

Would the chairman explain to me the procedure in a way that we can all understand it?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the chairman of the committee.

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I know the chairman of the Committee on Merchant Marine and Fisheries has personally done a survey on this and he may also want to join in terms of responding at some point.

I want to assure you that it is certainly the intent which is repeated in both reports that the committee expects its sport divers to be allowed access to shipwrecks to the fullest extent practicable.

In the legislation that we have in section 4 there is a right of access. The right to access clarifies the State waters and shipwrecks, recreational educational opportunities and so forth, provides reasonable access by the public. All 27 States which have passed legislation to date have provided access. Some have a permit system. That permit system deals with safety and other factors in terms of course of their responsibility and primary interest in this instance in some of the historic preservation system. The fact is that many of these shipwrecks that we are talking about would not be limited in any way by the Historic Preservation Act because they are not embedded, they are not in coral, they are not over 50 years old. Therefore, of course, under the standard definition it would not apply.

The legislation simply provides an orderly procedure to try and assure, for instance—we know there have been some outrageous acts in terms of these old shipwrecks. Some dynamiting of them; they have been literally ripped from stem to stern. Of course that would be unacceptable. I think responsible sport divers obviously have a great interest in this and are a great help to the profession of archaeology and to recovering and preserving this information. So there is no intent—every intent in fact here is to provide sport divers with their right. In the cases today, for instance—there are instances in fact where salvors, solely acting as salvors in terms of recovery, have in fact sought to push sport divers off of the areas where they have claimed the law of finds or the law of salvage.

I thank the gentleman for yielding.

Mr. ALEXANDER. Mr. Chairman, let me ask the chairman this question: How will this legislation that wrecks will be identified in a way to give notice to divers, in the event there are some restrictions with respect to diving these wrecks.

Mr. VENTO. There in fact is notice requirements in the legislation. On page 6, section 6, part (b) provides that the public shall be given notice of the location of these shipwrecks to which title is asserted under this section. The Secretary of the Interior, after consultation with the State preservation officer shall make written determination that an abandoned shipwreck meets the criteria of eligibility.

So the public will be given notice. There will be some discussion about the appropriateness even of that particular designation. Of course, I think this answers some of the questions. Of course, further States will pass, I am sure, regulations and State courts will make decisions with regard to this. So we have a very definitive and certain predictable identification and notification to people in the States. In fact, I think it is important that we understand that our entire Historic Preservation Act functions in the same way, whether it is in the submerged lands we are talking about now or the non-submerged lands. We expect and do provide and give the responsibility to the States to carry out the historic preservation responsibilities throughout this country. We cannot do it in their absence.

Mr. ALEXANDER. I certainly agree that the Federal Government has not done it and that some needs exist for that purpose.

Mr. JONES of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. ALEXANDER. I yield to the gentleman from North Carolina [Mr. JONES], the chairman of the Committee on Merchant Marine and Fisheries.

Mr. JONES of North Carolina. I thank the gentleman for yielding.

Mr. Chairman, reading from the bill itself, page 4:

it is the declared policy of the Congress that States carry out their responsibilities under this Act to develop appropriate and consistent policies so as to—

(A) protect natural resources and habitat areas;

(B) guarantee recreational exploration of shipwreck sites; and

(C) allow for appropriate public and private sector recovery of shipwrecks consistent with the protection of historical values and environmental integrity of the shipwrecks and the sites.

Does that help the gentleman?

Mr. ALEXANDER. I thank the gentleman for his response.

Mr. SHUMWAY. Mr. Chairman, I move to strike the requisite number of words.

The CHAIRMAN. Without objection, the gentleman from California [Mr. SHUMWAY] is recognized for 5 minutes.

There was no objection.

Mr. SHUMWAY. I will not take the full 5 minutes.

Let me respond to a couple of points which were made here.

Just now the chairman read from section 4, rights of access in the bill. I think that section could be more appropriately entitled "Hopes of Access."

There is nothing there that really provides the guarantee. It says it is the policy of Congress that States guarantee. But where is the enforcement mechanism? During the markup of this bill I asked committee counsel: Does this bill guarantee that States shall give or shall provide that kind of

access? The answer very clearly was "No."

I just point out, Mr. Chairman, that this is typical of the kind of gray area, the kind of jurisdictional difficulties that we are going to find ourselves in if this bill becomes law. No doubt it will spawn a great deal of litigation over this very subject because it has not been defined clearly. Some speakers have said yes it does guarantee access. I am provided by counsel that it does not. Certainly that would have to be litigated. I do not think we should invite that kind of litigation.

A second area that seems to be very gray and vague to me is on the subject of admiralty itself. I have just received, and I think all Members have access to it, a report from the Congressional Research Service, Library of Congress, addressing this issue. It is very lengthy and I have not studied the entire report. But on the first page the author says that there is no clear precedent and the guiding principles are very general. Then on the second page the author says:

Congressional power to alter the admiralty and maritime law may be limited, however. Article 3, section 2's conferral of "exclusive" admiralty and maritime jurisdiction on the Federal courts has been interpreted by the Supreme Court as requiring that some essential features of maritime law be uniform and not subject to rules varying from State to State. In several cases early in the 20th century the Supreme Court struck down efforts at State regulation and also efforts by Congress to delegate to States authority to regulate maritime matters. More recently, the court has seemed inclined to narrowly confine the areas requiring exclusive Federal jurisdiction. The result is that the boundaries between Federal and State regulation of admiralty matters remain somewhat ill-defined.

I would just suggest that that is another area that is going to be a panacea to lawyers. There will be law suits filed, Supreme Court decisions rendered as to who has jurisdiction, how much here and how much there. We should not be promoting that kind of activity; we should enact legislation that has a very clear purpose and clear intent. I think my amendment would make this bill reflect that kind of intention of Congress.

Finally, it has been said by many speakers that somehow my amendment is going to take away the options of States to put in place meaningful regulations to enforce the archaeological purposes, the environmental purposes, cultural purposes of this bill. That is not the case. I adopt the very three criteria that are now contained in the bill as criteria that should be put in place by States. I simply say let us require that they do it and to see that they do it let us have the missing enforcement mechanism which in this case is oversight by the Federal district court sitting in admiralty.

To be sure, if States are derelict, if they are strict in allowing access as indeed some have been in the past, there will be a way to bring them around to what I perceive the intention of Congress to be, that is this body, and that is that the States do require that access.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I would be happy to yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding.

Mr. Chairman, I have reviewed this opinion from CRS which was requested, I might add, by the Committee on Merchant Marine and Fisheries, its chairman, Mr. JONES of North Carolina. The fact is that the concluding paragraph in that, if you will look at it, says:

While case law provides little specific guidance, it appears that a sound argument can be made that S. 858 would not alter maritime law in a manner offensive to the principle derived from article 3, section 2 that there are certain essential features of maritime law requiring nationally uniform rules.

So the end result is that this opinion is a resounding endorsement of the bill and what is being done in terms of the law of fines and the law of salvage.

Mr. SHUMWAY. I am going to reclaim my time. I do not see anything resounding in those words. Certainly the fact that there are differences of opinion about that conclusion prove my very statement that this kind of legislation is going to spawn more litigation and division of opinion than it indeed provides answers to.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I yield to the gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. I thank the gentleman for yielding.

Mr. Chairman, as I understand the point being discussed, I interpret it as meaning that the bill provides access but does not grant to a diver the opportunity to salvage if notice is given.

The CHAIRMAN. The time of the gentleman from California [Mr. SHUMWAY] has expired.

(On request of Mr. ALEXANDER and by unanimous consent, Mr. SHUMWAY was allowed to proceed for 5 additional minutes.)

Mr. ALEXANDER. Will the gentleman continue to yield?

Mr. SHUMWAY. I yield to the gentleman from Arkansas.

Mr. ALEXANDER. I thank the gentleman for continuing to yield.

I understand the bill, if it is enacted without the amendment, would grant access but does not guarantee the right to salvage. Do I understand, Mr. Chairman, that a State would be granted the authority under this bill

to manage a wreck, to identify it, to give notice to divers, by a buoy in the water which is the normal way to identify a wreck and to give notice—and I expect it would be posted with some other additional information about the wreck, giving the date, the history, the name of the ship, so on and so forth—in which case the diver would not have the right to molest the wreck and to salvage any part thereof without a special permit, is that a fair interpretation of the bill?

Mr. SHUMWAY. I think the gentleman is mistaken in one regard. As I read section 4 dealing with rights of access I do not see any distinction there between access to sport divers and to salvors. It says clearly just access by the public.

Then it is saying it is the intention of Congress that that access be permitted by States that hold title. And that is the policy of Congress, that we ask them to permit that kind of access. That is a wish list. It is speculative language. It is not binding. There is not enforcement mechanism. That is why I am simply offering this amendment. If indeed we want States to do that, why do we not just tell them to do that and that is what my amendment does.

Mr. ALEXANDER. It sounds like that is what we are trying to clear up.

□ 1430

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the gentleman from Arkansas has fairly reported it. If we look at section 4, we notice that it guarantees recreational exploration of shipwrecks and in part (c) it allows salvage, so even though it may be historic, they can still allow it, but the point is the real flaw in what the gentleman has done here is that he does not improve on the guarantee of access, I do not believe, but he returns it to the district courts in admiralty. The district courts in admiralty, as the gentleman pointed out, have 200 years of legal history in which, of course, salvage is the major emphasis, and that is as it should be for laws of admiralty. I do not disagree with that.

The point is that we are trying to make a differentiation between these few historic ships that are important for other reasons, and in order to do that Congress has the authority in this CRS opinion, and it points that out. It says:

Our review suggested Congress has the authority pursuant to article 3, section 2, article 1, section 8, clause 18, the necessary and proper clause to amend maritime law in a manner contemplated by S. 858.

So we are clearly doing what we are supposed to be doing.

The gentleman's amendment, in all respect to the gentleman, the gentleman returns us back full circle to the admiralty court, and, of course, it renders the bill meaningless.

Mr. SHUMWAY. Mr. Chairman, I am going to reclaim my time. We have already discussed that issue and I think I provided an answer to the gentleman's concern in that regard.

Let me just conclude by saying that earlier the gentleman from Minnesota said in response to a question from this side that the committee expects States to provide access, as we have been discussing here this afternoon. That just typifies the kind of wishless language that this bill contains.

There is no guarantee mechanism built into the bill. My amendment would simply do that.

I think it is not sufficient to stand on this floor and say that it will be put in the RECORD or somehow made part of the legislative history. If indeed that is what we want, why do we not legislate it here today. We have a chance to do it. My amendment does not change the major thrust of the bill, but simply says that States will do what we apparently want them to do.

Mr. ALEXANDER. Mr. Chairman, will the gentleman yield?

Mr. SHUMWAY. I am happy to yield to the gentleman from Arkansas.

Mr. ALEXANDER. Mr. Chairman, I want to thank the gentleman from California for promoting this debate. I think that the legislative history resulting from this debate will clarify some of the issues that have been raised by it. I am clear in my mind as to the intent of this bill and I will vote with the committee and not vote with the gentleman from California; but I want to thank the gentleman from California for raising this issue and giving me the opportunity to clear up some of these issues in my mind. I am very grateful to the gentleman for his initiative and for his leadership.

Mr. SHUMWAY. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

Mr. DAVIS of Michigan. Mr. Chairman, I rise in support of Mr. SHUMWAY's amendment. In my view, it will correct one of the major flaws in this otherwise well-intentioned bill.

By making the policies section of S. 858 binding, we are ensuring that States will manage these shipwrecks responsibly. By balancing all the affected interests, States may not capriciously bar recreational divers from wrecks which hold no historic value, or keep responsible salvors from assisting in the retrieval of underwater artifacts.

States which will manage shipwrecks will need not fear this amendment. I urge my colleagues on both sides of the aisle to support this sound amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SHUMWAY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SHUMWAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 268, not voting 29, as follows:

(Roll No. 52)

AYES—134

Archer	Hammerschmidt	Parris
Army	Hansen	Pashayan
Badham	Hastert	Quillen
Baker	Hefley	Rhodes
Ballenger	Herger	Rinaldo
Bartlett	Hiler	Ritter
Bateman	Hochbrueckner	Roberts
Bliley	Holloway	Rogers
Broomfield	Hopkins	Roukema
Bunning	Houghton	Saxton
Burton	Hughes	Schaefer
Callahan	Hunter	Schulze
Cheney	Inhofe	Sensenbrenner
Clinger	Kasich	Shumway
Coats	Kolbe	Shuster
Coble	Konnyu	Skeen
Coleman (MO)	Kyl	Slaughter (VA)
Combest	Lagomarsino	Smith (NE)
Courter	Lent	Smith (NJ)
Craig	Lewis (CA)	Smith (TX)
Dannemeyer	Lewis (FL)	Smith, Denny
Daub	Lightfoot	(OR)
Davis (IL)	Livingston	Smith, Robert
Davis (MI)	Lott	(NH)
DeLay	Lowery (CA)	Smith, Robert
DeWine	Lujan	(OR)
DioGuardi	Lukens, Donald	Solomon
Dornan (CA)	Lungren	Spence
Erdreich	Mack	Stangeland
Fawell	Madigan	Stratton
Fields	Marlenee	Stump
Fish	Martin (IL)	Sundquist
Flipppo	Martin (NY)	Swindall
Florlo	McCandless	Tauke
Frank	McCollum	Taylor
Galleghy	McDade	Thomas (CA)
Gallo	McEwen	Thomas (GA)
Gekas	McGrath	Vucanovich
Gibbons	Meyers	Walker
Gilman	Michel	Weber
Gingrich	Moorhead	Weldon
Goodling	Morrison (WA)	Whittaker
Gradison	Nielson	Wolf
Grandy	Olin	Wortley
Green	Oxley	Young (AK)
Gunderson	Packard	

NOES—268

Ackerman	Brown (CO)	Dixon
Akaka	Bruce	Donnelly
Alexander	Bryant	Dorgan (ND)
Anderson	Buechner	Dowdy
Andrews	Bustamante	Downey
Annunzio	Byron	Duncan
Anthony	Campbell	Durbin
Applegate	Cardin	Dwyer
Aspin	Carper	Dymally
Atkins	Chandler	Dyson
AuCoin	Chapman	Early
Barnard	Chappell	Eckart
Barton	Clarke	Edwards (CA)
Bellenson	Clay	Edwards (OK)
Bennett	Clement	English
Bentley	Coelho	Espy
Bereuter	Coleman (TX)	Evans
Berman	Collins	Fascell
Bevill	Conte	Fazio
Blibray	Cooper	Feighan
Blirakis	Coughlin	Flake
Boehlert	Coyne	Foglietta
Boggs	Crane	Foley
Boland	Crockett	Ford (MI)
Bonior	Darden	Ford (TN)
Bonker	de la Garza	Frost
Borski	DeFazio	Gaydos
Bosco	Dellums	Geldenson
Boucher	Derrick	Gephardt
Brennan	Dicks	Glickman
Brooks	Dingell	Gonzalez

Grant	Matsui	Sabo
Gray (IL)	Mavroules	Saiki
Gray (PA)	Mazzoli	Savage
Gregg	McCloskey	Sawyer
Guarini	McCurdy	Schneider
Hall (OH)	McHugh	Schroeder
Hall (TX)	McMillan (NC)	Schuette
Hamilton	McMillen (MD)	Schumer
Harris	Mfume	Sharp
Hatcher	Miller (CA)	Shaw
Hawkins	Miller (OH)	Shays
Hayes (IL)	Miller (WA)	Sikorski
Hayes (LA)	Mineta	Sisisky
Hefner	Moakley	Skaggs
Henry	Mollohan	Skelton
Hertel	Montgomery	Slattery
Horton	Moody	Slaughter (NY)
Hoyer	Morella	Smith (FL)
Hubbard	Morrison (CT)	Smith (IA)
Huckaby	Mrazek	Snowe
Hyde	Murphy	Solarz
Ireland	Murtha	Spratt
Jacobs	Myers	St Germain
Jeffords	Nagle	Stagers
Jenkins	Natcher	Stallings
Johnson (CT)	Neal	Stark
Johnson (SD)	Nelson	Stokes
Jones (NC)	Nichols	Studds
Jones (TN)	Nowak	Sweeney
Jontz	Oakar	Swift
Kanjorski	Oberstar	Synar
Kaptur	Obey	Tallon
Kastenmeier	Ortiz	Tauzin
Kennedy	Owens (NY)	Torres
Kennelly	Panetta	Torricelli
Killdee	Patterson	Towns
Kleckza	Pease	Traffant
Kolter	Pelosi	Traxler
Kostmayer	Penny	Udall
LaFalce	Perkins	Upton
Lancaster	Petri	Valentine
Lantos	Pickett	Vander Jagt
Latta	Pickle	Vento
Leach (IA)	Porter	Visclosky
Leath (TX)	Price (NC)	Volkmer
Lehman (CA)	Pursell	Walgren
Lehman (FL)	Rahall	Watkins
Leland	Ravenel	Weiss
Levin (MI)	Regula	Wheat
Levine (CA)	Richardson	Whitten
Lewis (GA)	Robinson	Wise
Lipinski	Rodino	Wolpe
Lloyd	Roe	Wyden
Lowry (WA)	Rose	Wyllie
Luken, Thomas	Rostenkowski	Yates
MacKay	Rowland (CT)	Yatron
Manton	Rowland (GA)	Young (FL)
Markey	Roybal	
Martinez	Russo	

NOT VOTING—29

Bates	Frenzel	Rangel
Blaggi	Garcia	Ray
Boulter	Gordon	Ridge
Boxer	Hutto	Roth
Brown (CA)	Kemp	Scheuer
Carr	Mica	Stenholm
Conyers	Molinar	Waxman
Dickinson	Owens (UT)	Williams
Dreier	Pepper	Wilson
Emerson	Price (IL)	

□ 1652

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Scheuer against.

Mr. LATTI changed his vote from "aye" to "no."

Mr. PACKARD, Mr. CRAIG, Mrs. ROUKEMA, and Mr. FLIPPO changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: On page 8, after line 3, add the following new language:

(d) Nothing in this Act establishing protective zones shall be construed nor used to prevent the Drug Enforcement Administration, the Coast Guard, or any other law enforcement agency from investigating or enforcing laws relating to the trafficking, use, or abuse of narcotics.

Mr. WALKER. Mr. Chairman, I hope that the Members have listened to the language of the amendment because it is not an amendment that they received any advance information about, and they ought to understand exactly what it does. This amendment, and I will read it again, says that nothing in this act establishing protective zones shall be construed nor used to prevent the Drug Enforcement Administration, the Coast Guard, or any other law enforcement agency from investigating or enforcing laws relating to the trafficking, use, or abuse of narcotics.

This amendment grows out of discussions that I had with the gentleman from Minnesota [Mr. VENTRO] earlier today. Out of that discussion, I think I understood correctly that the States would have certain powers to limit access to these areas. I specifically asked the gentleman from Minnesota whether or not in some cases they might not be able to keep Federal agencies from going into these areas, and he told me that, "Yes, indeed, under the powers being granted under this act that could be the case."

I specifically then mentioned the problem if the Drug Enforcement Administration were not allowed into these protective zones.

Let me explain why I think this is a problem.

□ 1700

We already know that drug traffickers are perfectly willing to use protected zones in this country, particularly wilderness zones, to grow marijuana, but that was not the intended purpose when we put these particular areas aside. We did not set them up to be marijuana growing areas, but the fact is that drug traffickers do not care much about our intent; they do not care much about our laws. Therefore, they have gone into these areas figuring they can use those for the production of illegal drugs.

In this particular case, we are dealing with shipwrecks, for instance in the area of the Caribbean, an area through which a lot of the drugs come into this country illegally.

What we could be establishing here is areas where they could have drop zones where waterproof containers could be used to drop drugs into those zones, and if a State, through a loophole in their law, prevents drug enforcement officials from going into

those areas and investigating, we have, in fact, created a problem.

All my amendment intends to do is to assure the States when they are writing their laws relating to this issue that they cannot put general language in their law that can or would prevent our drug enforcement from doing their duty. It is that simple. It simply says that the Drug Enforcement Administration, or the Coast Guard and other law enforcement bodies, are going to be able to do whatever they need to do to stop the trafficking in narcotics.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. WALKER. Mr. Chairman, I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the gentleman from Pennsylvania raises some serious questions.

I appreciate the concern of the gentleman from Pennsylvania about this. The fact is, as he indicated, the amendment had not been reviewed by staff or by anyone else. The fact is that the gentleman's question is not one that I am aware of that came up in hearings.

The concern that he raises with regard to relationship to other laws, and this is section 7 in the bill that deals with that, and clearly the intent here is that in fact, of course, this act should not change any of the laws of the United States. Relating to shipwrecks, or those to which the act applies, my interpretation would be that we would have the full ability to do the drug enforcement activities, the Coast Guard or whoever else has responsibilities in those areas.

Furthermore, if the gentleman would continue to yield, we do not anticipate the establishment of protected zones. With regard to this, there are no protected zones.

The law, of course, excludes where there are Federal jurisdictions, where there are maritime or maritime sanctuaries, marine parks, that are now regulated. I understand the problem the gentleman anticipates.

Clearly the nature of the amendment that he is offering is not appropriate but I think the language addresses the concern, and as I mentioned to the gentleman, the States are a vital part of the law enforcement activity, and surely their mere regulation of a small number of shipwrecks which are in the State submerged lands would be one that would take into consideration any type of problem that would deal with this.

I would hope that the gentleman, with this clarification, might withdraw his amendment. I would try to appeal to the gentleman that it is not drawn in such a way that it is artfully drawn, and I think the question and the colloquy that perhaps we have had would straighten out the problem.

Mr. WALKER. Mr. Chairman, let me say to the gentleman I do not think that we have addressed my concern here with the problem.

I am sorry the gentleman does not think it is very artfully drawn. I thought it was very artfully drawn; it was made germane to the bill, and it was a work of art.

Let me say to the gentleman that when he refers to section 7 that this amendment goes to as well, it does say this act shall not change the laws of the United States relating to shipwrecks.

The laws I am concerned about here have absolutely nothing to do with shipwrecks. They have to do with narcotics trafficking. I want to make certain we do not have any kinds of problems with regard to narcotics.

Mr. VENTO. Mr. Chairman, if the gentleman would yield, that is what this legislation deals with is shipwrecks. We do not deal with any other laws.

Mr. WALKER. I understand what the gentleman is telling me. What I am saying to the gentleman is that he now tells me that I have raised a legitimate concern. The gentleman now tells me I have raised a legitimate concern and that he does not particularly like the way that it is drafted. Nevertheless, it does speak to that concern. It seems to me it makes very clear what our intent is.

Our intent is to make certain any kind of protection provided to these shipwrecks does not, in fact, go to protection that would keep our drug enforcement people from being able to get there to enforce the laws.

The amendment is totally germane to the bill. It seems to me it does speak to a real problem, and I would hope that the amendment would be approved.

Mr. VENTO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment really has nothing to do with the legislation and the limitations before us insofar as they would be a concern.

When the gentleman asked me the question about shipwrecks and whether or not, in fact, States would have the control over Federal agencies and so forth, I was, of course, thinking in the context of salvage or in the context of basically historic preservation as to what they would be doing.

As far as law enforcement, clearly we have ample precedent of the National Government, the Federal law enforcement agencies working within our national parks, working within our national historic sites, and other historic resources.

Insofar as this problem were to exist, there is nothing created by this legislation that the gentleman is trying to remedy, a problem that has not been addressed. The fact is that most of these ships that are historic

ships have not been trafficking in drugs. They are generally over 50 years old, many of them, of course, embedded in coral or in the bottom of the ocean floor or in these State submerged lands.

This legislation does not address this.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. VENTO. Mr. Chairman, I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding.

I want to make the point to the gentleman from Minnesota that there is nothing in my amendment that even implies that the shipwrecks we are talking about are shipwrecks of ships trafficking in drugs. What I am saying is that we are establishing protected zones that could now be used to drop drugs into only a couple of miles off our shore and thereby have protected zones in terms of enforcement.

Mr. VENTO. Mr. Chairman, reclaiming my time, I am relieved that the gentleman from Pennsylvania realizes these Spanish galleons are not the same as coming from South America carrying an illegal substance. I am glad the gentleman is aware of that.

Mr. RAVENEL. Mr. Chairman, will the gentleman yield?

Mr. VENTO. Mr. Chairman, I yield to the gentleman from South Carolina.

Mr. RAVENEL. Mr. Chairman, this question is for the edification of the Members who have not been here all this afternoon.

Has it not been pretty well established today that these amendments, regardless of how fine or how pure the motives of the membership proposing them may be, will result in us having no shipwreck bill in the 100th Congress?

Mr. VENTO. I think that is very probable in terms of the Senate. I would further point out that while drugs and drug enforcement is an important issue in our nation, that trying to solve it on the basis of dealing with sunken ships is hardly appropriate.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Florida.

Mr. BENNETT. Mr. Chairman, I would just like to point out the trepidation and worry that the gentleman from Pennsylvania raised had to do with wilderness areas where laws were already established and said what could be done. What we are dealing with here is dealing with something in futuro. So I thank the gentleman for raising the question, because no State is going to have any regulation which prohibits law enforcement from coming in there and protecting it, and it is looking in futuro, the States will

not have regulations which will allow things like that.

Mr. SHUMWAY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, in spite of the response from the proponents of this legislation, I think this amendment does have some redeeming merit, and I think it is worthy of consideration by this body. This is an example of where the Federal role in these offshore areas may not be consistent with State priorities.

There are some national priorities that perhaps in some cases may overshadow those desires of States, and I think certainly in the minds of this body at least there can be no higher priority than to provide the proper mechanisms and tools for us to come to the avowed war against drugs.

If there are areas that are solely under State control subject only to State regulations, I think it is very foreseeable that in those areas Federal officers who are pursuing this war would not be allowed or would not be able to do what they must do and, therefore, I think this kind of amendment is very well taken and should be considered by the body.

It is a valid concern addressed here, and the problem is not that far-fetched. I think if we as a nation mean what we say when we declare that we are part of an ongoing effort called the war against drugs, we must support measures like this that give us the tools really to fight that war, and I would urge the Members to adopt this amendment.

Mr. JONES or North Carolina. Mr. Chairman, I move to strike the last word.

The amendment is simply unnecessary. The Submerged Land Act which gives jurisdiction to all natural resources to States within 3 miles has been in the law for 25 years without interfering with Federal drug law enforcement.

This bill in no way will affect the present authority of the DEA or of the Coast Guard to enforce drug laws.

However, this amendment will affect the ultimate enactment of this bill, and I ask the Members to vote against the amendment.

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I must say at this point my good friend, and I mean that earnestly, because those phrases are used around here very loosely sometimes, but I must oppose the amendment of the gentleman from Pennsylvania [Mr. WALKER].

In doing so, I must praise him for his imagination in coming up with this type of an amendment which is going to be very difficult for some people to vote against.

However, if Members listen to the logic of it for just a few moments, they will see that the amendment really is

not necessary. If States were going to preclude Federal drug agents from coming on to State land, they would have done so before through protection of beaches, through protection of inland waterways.

I would tell the gentleman from Pennsylvania, my friend, that the ground under much of the intercoastal waterways, and on the sides of the intercoastal waterways and through the waterways through many of our cities, has been deemed to be State property. In no way, though, have the State governments attempted to keep Federal drug agencies out of that area.

I must say as one who has a great deal of confidence in the 50 States of our Nation and one who believes very strongly in States rights that I cannot imagine any State of this Nation precluding Federal agencies from operating in the areas of shipwrecks nor can I possibly imagine them in any way stopping navigation in these particular areas which are suitable for navigation.

I think that what this amendment is doing is raising a red herring. It is raising a fear that does not exist. I will put my record in this Congress alongside anybody on being strong on law enforcement when it comes to drug problems. However, I do not see one here.

I think this is being raised as a poison pill to the bill itself which we know does have a problem if it is passed with amendments and getting heard back before the Senate.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman from Florida for his point.

I do not know whether he was on the floor or not when we had the discussion on the floor with the chairman of the committee who said when I asked him the questions that the States, indeed, could write legislation that would preclude Federal agencies from getting in there. I do not think they would do so intentionally. The fact is that unintentionally they could provide a zone that they did not intend to have as a drug zone.

So the gentleman also told me just a little bit ago that it was a legitimate concern, and it seems to me if it is a legitimate concern there is some chance this could happen.

All we are doing is adding a simple protection. We are not doing anything that damages the intent of the bill or the actuality of the bill.

We checked with the Senate floor, and we have been told by Senator DOLE's staff that there is no hold on this bill, and this amendment would not prevent it from coming up on the Senate side.

I do not understand that particular logic that if there is a legitimate concern to be addressed why we do not address this concern as the amendment does.

I think the Members would make a great mistake, I would say, to vote against an amendment that is designed to help us in the war against drugs.

I thank the gentleman for yielding to me.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman from Florida for this support. He has seen the type of damage that is done in the coastal waters of his State, and if we are going to have an amendment like this offered, we should have a representation that there is a problem that somehow in areas where States now have control over historic properties that they permit and do work against Federal efforts with regard to law enforcement and with regard to the DEA.

□ 1715

The fact of the matter is I think that the States are really carrying most of the work with regard to law enforcement and with regard to drug abuse.

The fact is to imply, as this amendment would tend to do, that somehow if we give States the responsibility over these few hundred shipwrecks that are on their submerged lands, that somehow that will be a problem. The gentleman from Florida pointed out today they control the natural resource areas. Is there a problem there? Have they forbade DEA agents to come into that area and to exercise the type of the responsibility they are charged with? The answer is "no."

So where is the problem? What does this amendment deal with? This is an amendment designed to send this bill back to the Senate, to send it back to the Senate so that it would have to run the gauntlet there of 100 Senators any one of which could put a hold on this bill and stop historic preservation and preservation of this maritime resource in its tracks. That is what is going to happen.

I think this reaches the historical state in terms of adding amendments to this bill. I hope it would receive a resounding "no" vote from this House.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SHAW] has expired.

(By unanimous consent, Mr. SHAW was allowed to proceed for 2 additional minutes.)

Mr. SHAW. The gentleman from Minnesota has made the point very clearly with regard to the responsibility of the States. The States will not

lock out Federal agents. We know that. This is not a concern and it should not be a concern to this Congress. The States will act quite responsibly.

I would like to call to the attention of my colleagues, particularly my Florida colleagues a proclamation signed by all Cabinet members and the Governor of the State of Florida in support of this bill and in which they ask that this bill be passed and it be passed in its unamended state. It is a good bill. I hope everyone will support the bill and oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device and there were—ayes 183, noes 221, not voting 27, as follows:

[Roll No. 53]

AYES—183

Applegate	Gradison	Michel
Archer	Grandy	Miller (OH)
Army	Green	Montgomery
Badham	Gregg	Moorhead
Baker	Hall (TX)	Morrison (WA)
Ballenger	Hammerschmidt	Myers
Bartlett	Hansen	Neal
Barton	Harris	Nichols
Bateman	Hastert	Nielson
Bentley	Hatcher	Oxley
Bereuter	Hefley	Packard
Blibray	Hefner	Parris
Bliley	Henry	Pashayan
Broomfield	Herger	Patterson
Brown (CO)	Hiler	Petri
Buechner	Hochbrueckner	Porter
Bunning	Holloway	Pursell
Burton	Hopkins	Quillen
Byron	Houghton	Regula
Callahan	Hubbard	Rhodes
Cheney	Hunter	Rinaldo
Clinger	Hyde	Ritter
Coats	Inhofe	Roberts
Coble	Ireland	Robinson
Coleman (MO)	Johnson (CT)	Roe
Combest	Johnson (SD)	Rogers
Coughlin	Kasich	Roukema
Courter	Kolbe	Saxton
Craig	Konnyu	Schaefer
Crane	Kyl	Schuetz
Dannemeyer	Lagomarsino	Schulze
Daub	Latta	Sensenbrenner
Davis (IL)	Leach (IA)	Sharp
Davis (MI)	Leath (TX)	Shays
de la Garza	Lent	Shumway
DeLay	Lewis (CA)	Shuster
DeWine	Lewis (FL)	Skeen
DioGuardi	Lightfoot	Skelton
Dorgan (ND)	Livingston	Slattery
Dornan (CA)	Lloyd	Slaughter (VA)
Dowdy	Lott	Smith (NE)
Duncan	Lowery (CA)	Smith (NJ)
Edwards (OK)	Lujan	Smith (TX)
English	Lukens, Donald	Smith, Denny
Erdreich	Lungren	(OR)
Fawell	Mack	Smith, Robert
Fields	Madigan	(NH)
Fish	Marlenee	Smith, Robert
Flippo	Martin (IL)	(OR)
Frenzel	Martin (NY)	Snowe
Gallegly	McCandless	Solomon
Gallo	McCollum	Spratt
Gekas	McCurdy	Stangeland
Gilman	McEwen	Stump
Glickman	McGrath	Sundquist
Goodling	Meyers	Swindall

Tauke
Taylor
Thomas (CA)
Traficant
Upton
Vander Jagt

Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon

Whittaker
Wolf
Wortley
Wyllie
Yatron
Young (FL)

NOES—221

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Aspin
Atkins
AuCoin
Barnard
Bellenson
Bennett
Berman
Bevill
Bilirakis
Boehlert
Boggs
Boland
Bonker
Borski
Bosco
Boucher
Brennan
Brooks
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr

Chandler
Chapman
Chappell
Clarke
Clay
Clement
Coelho
Coleman (TX)
Collins
Conte
Cooper
Coyne
Crockett
Darden
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Downey
Durbine
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost

Gaydos
Gejdenson
Gephardt
Gibbons
Gonzalez
Grant
Gray (IL)
Gray (PA)
Guarini
Gunderson
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hayes (LA)
Hertel
Horton
Hoyer
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken; Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McHugh
McMillan (NC)
McMillen (MD)
Mfume
Miller (CA)
Miller (WA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Nelson

Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Panetta
Pease
Pelosi
Penny
Perkins
Pickett
Pickle
Price (NC)
Rahall
Rangel
Ravenel
Richardson
Rodino
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Sakai
Savage
Sawyer
Schneider
Schroeder
Schumer
Shaw
Sikorski
Siskiy
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz
Spence
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Thomas (GA)
Torres
Torricelli
Towns
Traxler
Udall
Valentine
Vento
Visclosky
Walgren
Weiss
Wheat
Whitten
Wilson
Wise
Wolpe
Wyden
Yates
Young (AK)

NOT VOTING—27

Bates
Biaggi
Bonior
Boulter
Boxer
Brown (CA)
Conyers
Dickinson
Dreier

Emerson
Garcia
Gingrich
Gordon
Hutto
Kemp
Mica
Molinari
Owens (UT)

Pepper
Price (IL)
Ray
Ridge
Roth
Scheuer
Stenholm
Waxman
Williams

□ 1735

The Clerk announced the following pair:

On this vote:

Mr. Boulter for, with Mr. Scheuer against.

Mr. TAUZIN and Mr. CARR changed their votes from "aye" to "no."

Messrs. MONTGOMERY, DORGAN of North Dakota, FLIPPO, ERDREICH, and Mrs. BYRON, and Messrs. HALL of Texas, SKELTON, HEFNER, SHAYS, and NICHOLS changed their votes from "no" to "aye."

Mrs. BENTLEY changed her vote from "present" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GIBBONS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I take this time to ask the two chairmen what boats this covers or what ships this covers.

First of all, I understand it must be abandoned. Now how do you determine when a ship has been abandoned?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think that that issue is generally not one that is contestable in terms of its abandonment. The abandonment is determined based on the fact that the issue is that it is abandoned when search has been abandoned.

The bill is clear in this particular point. The gentleman asked me about the nature of how do we determine when something is abandoned and it is deserted and when the owner has relinquished ownership rights with no retention.

Mr. GIBBONS. When is that? Who determines that?

Mr. VENTO. Mr. Chairman, I am going to ask the gentleman to yield to the gentleman from New Jersey [Mr. HUGHES] who worked on this matter.

Mr. GIBBONS. Who determines when a ship is abandoned?

Mr. HUGHES. Mr. Chairman, will the gentleman yield to me?

Mr. GIBBONS. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, will the gentleman repeat the question?

Mr. GIBBONS. Mr. Chairman, my question is: Who determines when a ship has been abandoned?

Mr. HUGHES. That is a factual question that is going to be resolved in each instance by the circumstances, by the courts, if need be, or those parties called upon by the law, but, generally speaking, it is a relinquishment of control with no desire to reclaim that property.

Mr. GIBBONS. But who determines when the ship is abandoned?

Mr. HUGHES. That is going to be determined first of all by the State's jurisdiction.

Mr. GIBBONS. By what? Who determines when a ship has been abandoned, a wreck has been abandoned?

Mr. HUGHES. This is going to be determined in each instance by the agency who has control over the law. Once a State has implemented a plan, then it will be that agency that will make that determination.

Mr. GIBBONS. Let me direct the attention of the two chairmen to the language on page 6, lines 6, 7, and 8. It says:

The United States asserts title to any abandoned shipwreck that is—

(1) embedded in submerged lands of a State.

Now, I have seen many shipwrecks in my life. I live in the Gulf of Mexico, and I have never seen a shipwreck that was not embedded in the sands of the gulf.

Now, does that cover every shipwreck that is embedded in the sands of the gulf?

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Minnesota.

Mr. VENTO. I would say "No."

Mr. GIBBONS. The gentleman would say no, so if it had sand in it—

Mr. VENTO. There is, of course, a definition of "embedded" on page 2 of the bill, and I would direct the gentleman's attention to it:

The term "embedded" means firmly affixed in the submerged lands or in coralline formations such that the use of tools of excavation is required in order to move the bottom sediments to gain access to the shipwreck, its cargo, and any part thereof.

Mr. GIBBONS. All right, I agree with that, but if you have to use any tools, a shovel or a pump to get the sand out, and I have never seen one that you did not see still firmly embedded in the sand.

Mr. VENTO. Well, I think that it is a question of whether or not over a period of time normal geologic forces could remove that. For instance, as the gentleman knows, the sand movement in this area, this littoral type of movement, delivers and deposits a great amount of sand in such vessels, but if this is an accumulation that could be removed or is removed by that over a normal cycle of years or weeks or days, obviously that would change.

I think what we are talking about, of course, are ships that are embedded that have been there. This, incidentally, is just one test. There are other tests, of course.

□ 1745

Mr. GIBBONS. Reclaiming my time, let us stick to the question that I have asked. I am asking is a boat that has sunk in the sands of the Gulf of

Mexico, and it now has sand in it, is it one of the shipwrecks that is covered by this bill?

Mr. VENTO. If the gentleman will continue to yield, if it takes tools to remove that sand, if it takes tools to remove it, it would not take place by normal process of current movement, the answer would be yes. If the gentleman would yield further, the example in terms of the question the gentleman from Florida has, anticipating his question, I might add, that normal process had rendered that filled with sand in a couple of weeks obviously that does not necessarily address the problem.

Mr. GIBBONS. I am talking about a couple of hours.

The CHAIRMAN. The time of the gentleman from Florida [Mr. GIBBONS] has expired.

(By unanimous consent, Mr. GIBBONS was allowed to proceed for 5 additional minutes.)

Mr. GIBBONS. Mr. Chairman, I am just trying to get some information as to what boats are not covered. Believe me, I own two boats, and I have had about six in my lifetime and I have lost one as recently as a couple of years ago. When I found it, it was embedded in the sand. It was only a 16-foot boat but it could not be dug out with a tractor.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I think the gentleman from Florida [Mr. GIBBONS] has hit on the point. I think it helps with the argument, in fact the gentleman from Florida has not necessarily abandoned these particular craft that he had experience with.

Mr. GIBBONS. Reclaiming my time, we are not talking about abandonment. We have already decided what abandonment is.

Mr. VENTO. If the gentleman will yield further, the point is that the embedded test, and it would be a double test, the abandonment and embedded test would have to be achieved so I think in these instances just being embedded by itself is not adequate to actually—

Mr. GIBBONS. I understand that. We understand it has to be abandoned and it has to be embedded. That is clear. We know what abandonment is. That is decided under this law by the State agency.

Mr. Chairman, what I am trying to figure out is what is meant by the language on page 6 of the bill at line 8, "embedded in submerged lands of a State." If it has sand in it, how much sand does it have to have in it? Is the answer, any sand that would require a tool to remove?

Mr. VENTO. If the gentleman would yield, the definition is that it has to be a mechanical tool, not just any tool

would qualify as it necessarily being embedded. Tools of excavation, whether or not they be a shovel and so forth, I think that that is something that will have to be—

Mr. GIBBONS. Mr. Chairman, reclaiming my time, the gentleman is not trying to cover shovels or anything like that, is that correct?

Mr. VENTO. Not necessarily. The point is that we are trying to establish that it has been there for some time and that it actually has historical value. We are certainly not trying to interfere with—

Mr. GIBBONS. Is this just limited to ships of historical value? If so, where does it say that in the act?

Mr. VENTO. If the gentleman will continue to yield, I think that if the gentleman from Florida would look at the bill, of course with the references here this comes under and is written consistent with the Historic Preservation Act.

Mr. GIBBONS. So this bill is only supposed to cover ships that are of historic or archeologic value?

Mr. VENTO. The fact is that the definition is in the Historic Preservation Act which this is an amendment to so that fact is established. There is no need for further delineation of that fact.

Mr. GIBBONS. Mr. Chairman, reclaiming my time, so this bill is being written by the gentleman from Minnesota [Mr. VENTO] and the chairman of the Committee on Merchant Marine and Fisheries, the gentleman from North Carolina [Mr. JONES] so that it only applies to historic vessels or vessels of archeological value?

Mr. VENTO. If the gentleman will continue to yield, the way the law is written now, that is the effect of it.

Mr. GIBBONS. That is the effect of this law?

Mr. VENTO. That is right.

Mr. GIBBONS. That this law, to interpret the language on page 6 at line 8, "embedded in the submerged lands of a State," that only applies to historic or archeologically significant vessels, or does it apply to all vessels?

Mr. VENTO. If the gentleman will further yield, that is the effect of this particular provision in the law, yes.

Mr. GIBBONS. And it is to apply only to historic and archeologically significant vessels?

Mr. VENTO. Correct.

Mr. GIBBONS. Mr. Chairman, I appreciate the responses of the gentleman from Minnesota [Mr. VENTO].

AMENDMENT OFFERED BY MR. SHUMWAY

Mr. SHUMWAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SHUMWAY: Section 3 of S. 858 is amended by striking paragraph (a) and redesignating the remaining paragraphs accordingly.

Section 6(a) of S. 858 is amended by deleting paragraphs (1) and (2) in their entirety and deleting the remaining numerical designation "(3)".

And by inserting the word "historic" immediately before the words "shipwreck" or "shipwrecks" wherever they appear in the bill.

Mr. SHUMWAY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SHUMWAY. Mr. Chairman, my second amendment limits the class of shipwrecks covered by the act to those that are on, or eligible for inclusion in, the National Register of Historic Places.

The proponents of the bill have repeatedly stated that this act is intended to protect historic shipwrecks, and that it will only affect a small number—perhaps 5 percent—of the shipwrecks located on State lands. For example, Congressman VENTO, in correspondence dated March 22, 1988, to Capt. Howard Klein, a dive boat captain in New York, stated, "The hearing made it quite clear that the intent and affect of S. 858 is to transfer title of historic shipwrecks to the respective States on whose lands they rest. The majority of shipwrecks are not defined as historic."

Again, Mr. VENTO stated on March 28, 1988, when the House first debated this bill under suspension of the rules, that—

S. 858 does not affect the jurisdiction of admiralty law over the greater percentage of shipwrecks not defined as historic. By asserting title to that small percentage of shipwrecks defined as historic and transferring that title to the States on whose submerged lands they lie, this bill clarifies the jurisdiction over the abandoned shipwrecks and helps the States protect their cultural resources.

There are numerous other examples where Mr. BENNETT and other proponents of the bill have made similar statements on the record.

Mr. Vento and these other proponents of S. 858 who maintain that this bill only transfers title of "historic" shipwrecks must be reading a different bill than my copy of S. 858. The bill clearly states that it transfers title of all shipwrecks that are: First, embedded in submerged lands of a State; second, embedded in coralline formations protected by a State on submerged lands of a State; third, on submerged lands of a State that are included or determined eligible for inclusion in the National Register. In other words, if a shipwreck falls into any one of these three categories—whether it is historic or not—it is covered by this act. The first of those categories—"embedded in submerged lands of a

State"—is by far the broadest. Testimony in our hearing clearly indicated that this criteria, as a practical matter, would cover 100 percent of the abandoned shipwrecks on State lands since it only takes a matter of days for a shipwreck to be embedded in the submerged lands to the extent that it is covered by this act.

Mr. Chairman, if Mr. VENTO and Mr. BENNETT and the proponents of the bill intend this act to only cover "historic" shipwrecks, we better amend it now to reflect that policy. My second amendment does just that by striking out the first two criteria for shipwrecks covered by the act and leaving simply the one which talks about shipwrecks that are on, or eligible for, inclusion in the National Register.

Sport divers have a great interest in diving on nonhistoric as well as historic shipwrecks. To them, that is almost as fascinating as diving on historic shipwrecks. By passing this amendment, we will be fine tuning the act so that it covers only those shipwrecks which the proponents have stated that it should cover, and we will be giving some relief to sport divers by at least letting them know that nonhistoric shipwrecks will not be covered by this act and they will continue to have unfettered recreational access to them.

I urge the adoption of this amendment.

Mr. VENTO. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. SHUMWAY]. Use of embedded for two of the three categories of shipwrecks covered by this bill sets up a commonsense test so that a sport diver first seeing a wreck will have a reasonable way of determining if the particular shipwreck is covered by this bill. Embedded is a physical attribute, easily discernible. As used here, it means that more than casual efforts at gaining access to a particular shipwreck are necessary. There has been some concern that keeping the two categories of being embedded will extend this legislation to many shipwrecks. This will not be the case. We have consulted with geologists about the process of shipwrecks becoming embedded as S. 858 specifies and have been assured that this is a very lengthy process. Coral, for example, grows a centimeter a year—not a way to embed a shipwreck very quickly. Embedded in State lands should give the States the same rights whether those lands are dry or submerged. States manage natural resources on their State submerged lands. They should also have the rights and responsibilities of managing cultural resources there.

In the case of adding the word "historic" before each use of the word "shipwreck," this addition is totally unnecessary. Obviously we are talking about shipwrecks that have historic

value. It is the clear intent of this bill to cover those shipwrecks that are old enough to become embedded or become eligible for the National Register of Historic Places. The standard test for National Register eligibility is 50 years. States already distinguish between historic and nonhistoric shipwrecks. There is no need to add this.

Mr. Chairman, I submit this is one more effort to send this bill back to the Senate, send it back to run the gauntlet and be held by a single Senator. We talk a lot around here about what holds legislation up, and we have discussed this issue, and I think the intent is clear.

Mr. Chairman, this is a good proposal. I think it is time we act on this and defeat this amendment, and then vote final passage on this measure.

There is another problem with this proposed amendment. Given that determination of eligibility on the National Register of Historic Places is a formal process, if the embedded test were removed, these parts of our Nation's heritage would be left unprotected until a formal determination of eligibility for the National Register is made. Shipwrecks could be destroyed for their recreational or historic value in the meantime. This amendment defeats the very purpose of this bill.

I strongly urge my colleagues to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. SHUMWAY].

The amendment was rejected.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. FOLEY], having assumed the chair, Mr. TRAXLER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 858) to establish the title of States in certain abandoned shipwrecks and for other purposes, pursuant to House Resolution 421, he reported the Senate bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the Senate bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SHUMWAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 340, noes 64, not voting 27, as follows:

[Roll No. 54]

AYES—340

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Ballenger
Barnard
Barton
Bateman
Bellenson
Bennett
Bentley
Bereuter
Bertram
Bevill
Billbray
Billrakis
Billey
Boehlert
Boggs
Boland
Bonior
Bonker
Borski
Bosco
Boucher
Brennan
Brooks
Broomfield
Brown (CO)
Bruce
Bryant
Buechner
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Clarke
Clay
Clement
Clinger
Coats
Coelho
Coleman (MO)
Coleman (TX)
Collins
Conte
Cooper
Coughlin
Courtner
Coyne
Crane
Crockett
Darden
Daub
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich

Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Gaydos
Gejdenson
Gephardt
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hyde
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Klecza
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)

Lewis (GA)
Lightfoot
Lipinski
Lloyd
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Mack
MacKay
Madigan
Manton
Markay
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McGrath
McHugh
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrzsek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielsen
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Oxley
Panetta
Parriss
Patterson
Pease
Pelosi
Penny
Perkins
Petri
Pickett
Pickle
Porter
Price (NC)
Pursell
Rahall
Rangel
Ravenel
Regula
Rhodes
Richardson
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (CT)

Rowland (GA)
Roybal
Russo
Sabo
Salki
Savage
Sawyer
Saxton
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shays
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NJ)

Smith, Robert (OR)
Snowe
Solaz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauke
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler

Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Watkins
Weiss
Wheat
Whittaker
Whitten
Williams
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (FL)

NOES—64

Archer
Armey
Badham
Baker
Bartlett
Bunning
Burton
Callahan
Cheney
Coble
Combest
Craig
Dannemeyer
Davis (IL)
Davis (MI)
DeLay
DioGuardi
Dornan (CA)
Edwards (OK)
Fields
Frenzel
Gallegly

Gekas
Gingrich
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Herger
Inhofe
Kolbe
Lent
Lewis (FL)
Livingston
Lott
Lukens, Donald
Lungren
Marlenee
Martin (IL)
McCandless
McEwen
Moorhead
Packard

Pashayan
Quillen
Schaefer
Sensenbrenner
Shumway
Shuster
Skeen
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stangeland
Stump
Sundquist
Swindall
Thomas (CA)
Walker
Weber
Weldon

NOT VOTING—27

Bates
Blaggi
Boulter
Boxer
Brown (CA)
Conyers
Dickinson
Dreier
Emerson

Garcia
Gordon
Hawkins
Hutto
Jacobs
Kemp
Mica
Molinari
Owens (UT)

Pepper
Price (IL)
Ray
Ridge
Roth
Scheuer
Stenholm
Waxman
Wilson

□ 1815

Mr. SMITH of New Hampshire changed his vote from "aye" to "no."

So the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on S. 858, the Senate bill just passed.

The SPEAKER pro tempore (Mr. BRUCE). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

AUGUSTUS F. HAWKINS-ROBERT T. STAFFORD ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT AMENDMENTS OF 1988

Mr. SAWYER submitted the following conference report and statement on the bill (H.R. 5) to improve elementary and secondary education, and for other purposes:

CONFERENCE REPORT (H. REPT. 100-567)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 5) to improve elementary and secondary education, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—ELEMENTARY AND SECONDARY EDUCATION PROGRAM AUTHORIZED

Sec. 1001. Amendments to the Elementary and Secondary Education Act of 1965.

"Sec. 1. Short title.

"TITLE I—BASIC PROGRAMS

"CHAPTER 1—FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF CHILDREN

"Sec. 1001. Declaration of policy and statement of purpose.

"PART A—BASIC PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"SUBPART 1—ALLOCATIONS

"Sec. 1005. Basic grants.

"Sec. 1006. Grants for local educational agencies in counties with especially high concentrations of children from low-income families.

"SUBPART 2—BASIC PROGRAM REQUIREMENTS

"Sec. 1011. Uses of funds.

"Sec. 1012. Assurances and applications.

"Sec. 1013. Eligible schools.

"Sec. 1014. Eligible children.

"Sec. 1015. Schoolwide projects.

"Sec. 1016. Parental involvement.

"Sec. 1017. Participation of children enrolled in private schools.

"Sec. 1018. Fiscal requirements.

"Sec. 1019. Evaluations.

"Sec. 1020. State educational program improvement plan.

"Sec. 1021. Program improvement.

"PART B—EVEN START PROGRAMS OPERATED BY LOCAL EDUCATIONAL AGENCIES

"Sec. 1051. Statement of purpose.

"Sec. 1052. Program authorization.

"Sec. 1053. Allocation.

"Sec. 1054. Uses of funds.

"Sec. 1055. Eligible participants.

"Sec. 1056. Applications.

"Sec. 1057. Award of grants.

"Sec. 1058. Evaluation.

the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:21 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 858. An act to establish the title of States in certain abandoned shipwrecks, and for other purposes.

The message also announced that pursuant to the provisions of section 276(d) of title 22 of the United States Code, the Speaker appoints Mr. Brooks to the United States delegation to attend the 29th meeting of the Canada-United States Interparliamentary Group, vice Mr. OBERSTAR, resigned.

MEASURES PLACED ON THE CALENDAR

The Committee on Veterans' Affairs was discharged from the further consideration of the following bill, which was ordered placed on the calendar:

H.R. 1811. A bill to amend title 38, United States Code, to provide certain benefits to veterans and survivors of veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki and who suffer from diseases that may be attributed to low levels of ionizing radiation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Select Committee on Indian Affairs, with amendments:

S. 2273. A bill to provide for the transfer of certain funds to the Secretary of the Interior for the benefit of certain members of the Crow Tribe (Rept. No. 100-315).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. GLENN, from the Committee on Governmental Affairs:

Frank Ernest Schwelb, of the District of Columbia, to be an associate judge of the District of Columbia Court of Appeals for the term of 15 years;

Cheryl M. Long, of the District of Columbia, to be an associate judge of the Superior Court of the District of Columbia for the term of 15 years;

Frak DeGeorge, of Maryland, to be inspector general, Department of Commerce (which nomination had previously been reported favorably from the Committee on Commerce, Science, and Transportation and further referred to the Committee on Governmental Affairs for not to exceed 20 days).

By Mr. PELL, from the Committee on Foreign Relations:

Treaty Doc. 100-11. Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles (Exec. Rept. No. 100-15).

Reported with the recommendation that the Senate give its advice and consent to ratification thereof, subject to a condition set forth in the resolution of ratification, which is as follows:

TEXT OF RESOLUTION OF ADVICE AND CONSENT TO RATIFICATION REPORTED BY THE COMMITTEE ON FOREIGN RELATIONS

Resolved (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, together with the Memorandum of Understanding and the two Protocols thereto, collectively referred to as the INF Treaty, all signed at Washington on December 8, 1987 (Treaty Doc. 100-11), provided that the Senate's advice and consent to ratification of the INF Treaty is subject to the following condition, which shall be binding on the Executive:

That this Treaty shall be subject to the following principles, which derive, as a necessary implication, from the provisions of the Constitution (Article II, section 2, clause 2) for the making of treaties:

(a) the United States shall interpret this Treaty in accordance with the understanding of the Treaty shared by the Executive and the Senate at the time of Senate consent to ratification;

(b) such common understanding is:
(i) based on the text of the Treaty; and
(ii) reflected in the authoritative representations provided by the Executive branch to the Senate and its committees in seeking Senate consent to ratification, insofar as such representations are directed to the meaning and legal effect of the text of the Treaty;

(c) the United States shall not agree to or adopt an interpretation different from that common understanding except pursuant to Senate advice and consent to be a subsequent treaty or protocol, or the enactment of a statute.

This understanding shall not be incorporated in the instruments of ratification of this Treaty or otherwise officially conveyed to the other contracting Party.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID:

S. 2282. A bill to require reauthorizations of budget authority for Government programs at least every 10 years, to provide for review of Government programs at least

every 10 years, and for other purposes; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one committee reports, the other committee has 30 days of continuous session to report or be discharged.

By Mr. BAUCUS (for himself, Mr. MELCHER, Mr. ADAMS, Mr. BURDICK, Mr. CONRAD, Mr. DASCHLE, Mr. EVANS, Mr. MCCLURE, Mr. PRESSLER, Mr. SIMPSON, Mr. SYMMS, and Mr. WALLOP):

S. 2283. A bill to require the Secretary of the Treasury to mint and issue \$5 coins in commemoration of the 100th anniversary of the statehood of Idaho, Montana, North Dakota, South Dakota, Washington, and Wyoming; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. METZENBAUM (for himself, Mr. SIMON, Mr. DECONCINI, Mr. MELCHER, Mr. CRANSTON, Mr. GORE, and Mr. MIKULSKI):

S. 2284. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for a moratorium on reversions to employers of assets of terminated pension plans and to establish as a fiduciary duty that assets of such plans which would otherwise revert to the employer but for the moratorium must be maintained in trust until the end of the moratorium; to the Committee on Labor and Human Resources.

By Mr. SYMMS (for himself and Mr. WALLOP):

S. 2285. A bill to authorize the Secretary of Agriculture to exchange certain national forest lands in the Targhee National Forest; to the Committee on Energy and Natural Resources.

By Mr. RIEGLE:

S. 2286. A bill to amend the Internal Revenue Code of 1986 to increase the standard deduction for child dependents; to the Committee on Finance.

By Mr. HECHT:

S. 2287. A bill to amend title II of the Social Security Act to provide that a monthly insurance benefit thereunder shall be paid for the month in which the recipient dies and that such benefit shall be payable for such month only to the extent proportionate to the number of days in such month preceding the date of the recipient's death; to the Committee on Finance.

By Mr. HEINZ (for himself and Mr. SASSER):

S. 2288. A bill to amend the Bank Holding Company Act of 1956 to prohibit foreign bank holding companies from acquiring any shares of a company which is primarily engaged in making a tender offer for a United States company engaged in activities other than those permissible for United States bank holding companies and to provide for limitations on acquisitions of companies primarily engaged in other than financial services by certain companies owning banks; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LEVIN:

S. 2289. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for two-earner married couples, to provide for maximum individual tax rate of 38.5 percent, to eliminate the personal exemption phase-out, to insure a maximum individual long-term capital gains rate of 28 percent, to provide income averaging for farmers, and for other purposes; to the Committee on Finance.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. COMBEST) and to include extraneous matter:)

Mr. FAWELL.
Mr. GILMAN in two instances.
Mr. SCHUETTE.
Mr. DANNEMEYER.
Mr. MADIGAN.

(The following Members (at the request of Mr. MOAKLEY) and to include extraneous matter:)

Mr. SKELTON in two instances.
Mr. ANDERSON in 10 instances.
Mr. GONZALEZ in 10 instances.
Mr. BROWN of California in 10 instances.
Mr. ANNUNZIO in six instances.
Mr. JONES of Tennessee in 10 instances.
Mr. UDALL.
Mr. ROE in two instances.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 268. Joint resolution disapproving the certification by the President under section 481(h) of the Foreign Assistance Act of 1961; jointly to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

S.J. Res. 285. Joint resolution expressing the sense of Congress that Haiti falls under the definition of "major drug-transit country" as stated in section 481(i)(5) of the Foreign Assistance Act of 1961, and therefore should be subject to the certification process mandated by section 481(h) of that Act; jointly to the Committees on Banking, Finance and Urban Affairs and Foreign Affairs.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 347. Joint resolution recognizing the identical plaques initiated by Sami Bandak, created by Margareta Hennix and Givanni Bizzini, and depicting the *Calmare Nyckel* the ship that brought the first Swedish settlers to North America, as significant symbols of the "Year of New Sweden"; and providing for the placement of one of such plaques at Fort Christina in the State of Delaware;

H.J. Res. 373. Joint resolution to designate May 1988 as "National Trauma Awareness Month"; and

H.J. Res. 527. Joint resolution to designate the week of April 17, 1988, through April 24, 1988, as "Jewish Heritage Week."

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 90. An act to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes, and

S. 858. An act to establish the title of States in certain abandoned shipwrecks, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on April 14, 1988, present to the President, for his approval, a bill of the House of the following title:

H.R. 1900. An act to amend the Child Abuse Prevention and Treatment Act, the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978, and the Family Violence Prevention and Services Act to extend through fiscal year 1991 the authorities established in such acts.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Tuesday, April 19, 1988, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3429. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Egypt for defense articles estimated to cost \$50 million or more (transmittal No. 88-24), pursuant to 10 U.S.C. 118; to the Committee on Armed Services.

3430. A letter from the Secretary of Defense transmitting a report which addresses United States expenditures in support of NATO, pursuant to 22 U.S.C. 1928 nt.; to the Committee on Armed Services.

3431. A communication from the President of the United States transmitting a report of his determination that the statutory fiscal year 1988 limits for Eximbank authority should be retained unchanged, pursuant to 12 U.S.C. 635e(a)(2)(A); to the Committee on Banking, Finance and Urban Affairs.

3432. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report analyzing the measures adopted to enhance the competitiveness of the medium-term financing program, pursuant to 12 U.S.C. 635(a)(3); to the Committee on Banking, Finance and Urban Affairs.

3433. A letter from the Assistant Secretary of State for Legislative Affairs transmitting a copy of Presidential Determination No. 88-14 concerning Panama, pursuant

to 22 U.S.C. 2364; to the Committee on Foreign Affairs.

3434. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Egypt for defense articles and services estimated to cost \$2 billion (transmittal No. 88-24), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

3435. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

3436. A letter from the Acting Administrator, General Services Administration, transmitting an informational copy of an amended lease prospectus consolidation of DOI, Fish and Wildlife Service, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

3437. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting copies of the following annual reports which are contained in the winter issue, March 1988, of the Treasury Bulletin: Airport and Airway Trust Fund (26 U.S.C. 9502), Asbestos Trust Fund (20 U.S.C. 4014), Black Lung Disability Trust Fund (26 U.S.C. 9602), Harbor Maintenance Trust Fund (26 U.S.C. 9505), Hazardous Substance Superfund (26 U.S.C. 9507), Highway Trust Fund (26 U.S.C. 9602), Inland Waterways Trust (26 U.S.C. 9506), Leaking Underground Storage Tank Trust Fund (26 U.S.C. 9508), Nuclear Waste Trust Fund (42 U.S.C. 1022)(e)(1)), Reforestation Trust Fund (16 U.S.C. 1606a(c)(1)), and Statement of Liabilities and Other Financial Commitments of the U.S. Government (31 U.S.C. 331(b)); jointly, to the Committees on Agriculture; Education and Labor; Energy and Commerce; Interior and Insular Affairs; Public Works and Transportation; and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. House Resolution 427. Resolution waiving certain points of order against the conference report on H.R. 5 and against consideration of such conference report, and providing for the consideration of a bill to amend the Communications Act of 1934 (Rept. No. 100-570). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 428. Resolution providing for the consideration of H.R. 4222, a bill to amend the Immigration and Nationality Act to extend for 6 months the application period under the legalization program (Rept. No. 100-571). Referred to the House Calendar.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 2641. A bill to amend the National Trails System Act to provide for cooperation with State and local governments, for the improved management of certain Federal lands, and for other purposes; with an amendment (Rept. No. 100-572). Referred to the Committee of the Whole House on the State of the Union.

an approach to negotiations according to feasibility and practicability of progress and proceed accordingly in succeeding phases.

1. A Discussion of Military Doctrine

A first phase of negotiations could consist of a thorough discussion of the military doctrines of both alliances. Several practical reasons speak for such an approach. First, such a round in which both military and diplomats take part, could lay the groundwork for later negotiations on specifics by analyzing thoroughly which threats each side perceives with regard to the military posture, procedures and doctrine of the other. By identifying the central elements of threats, important criteria and priorities for the ensuing negotiations could be identified. Such discussions can, thirdly, be started without being forced to overcome the numerous divergencies of views within the West and can, therefore, begin reasonably soon.

Moreover, such discussions have eminent political reasons. First, they are directed at the Western public besides clarifying the issues at the negotiating table. A review of the military doctrine offers the opportunity to bring into relief the striking disparity between the defensive claim of the Warsaw Pact's doctrine and the offensive reality of force ratios, force structure, training and readiness. A review of these issues will lay the ground for a better understanding of Western publics—not only of the general issues but in particular of the necessity for asymmetric reductions.

Such a discussion is, secondly, likely to have an impact on the East as well. Not only are some of the public arguments carried into the East with the potential of a moderate though not insignificant impact, but, more important, the participating elites will be exposed to a critical analysis of their own doctrine and posture. Conceivably such a process may help those forces in the Soviet bureaucracy willing to challenge military orthodoxy and its tremendous political and economic burden for the Soviet Union.

Some argue against such a discussion of doctrine on the grounds that it will either be used by Soviet propaganda to denounce NATO's policies, such as FOFA and no-first-use of nuclear weapons, or that it will result in a confrontation of irreconcilable views on military data worse than that experienced during MBFR. However, NATO has nothing to fear from such a debate. By now the alliance is used to controversy about its policies which, after all, enjoy clear political support by the participating countries. NATO has a good case in comparing Eastern and Western military doctrine. Finally, only a test will show whether or not a discussion will get bogged down in disagreements on data and whether or not Gorbachev's glasnost policy will have its impact here as well.

2. The Priority of Confidence-Building

Even if East-West measures on military hardware or troops are difficult and time-consuming to agree upon, a lack of success in this area need not prevent progress in the realm of confidence-building. New measures of confidence-building could superimpose greater transparency on the existing military set-up in East and West with all its asymmetries so that both sides can become confident not to be the object of surprise moves or disadvantageous changes in military strength.

Such confidence-building measures could consist of a further intensification in scope of the measures agreed upon at the Stockholm Conference in 1986 by creating a

dense network of observation on both sides of the East-West border, notably in Central Europe. Such measures could cover both manoeuvres and all movements of troops and material. Moreover, they would have to include the perhaps most important element that the Stockholm Agreement failed to cover, alert exercises of military units; from the point of view of crisis stability such exercises deserve prior notification and some degree of observation even more than manoeuvres do.

Confidence-building measures as an opening of a new round of conventional arms control in Europe would have the net effect of increasing stability even without reductions, would lay the groundwork for the relatively dense network of verification that has to accompany later reductions or redeployment measures and would hopefully create a political atmosphere conducive to more far-reaching measures of conventional arms control.

3. An Agreement on Equal Levels of Arms Production

Agreement on military data, not to mention reduction and redeployment formulas will be difficult and time-consuming. If the asymmetries which the West is rightly concerned about cannot be reduced quickly, one can at least try to prevent them from getting worse in a parallel action.

Taking the average of 1984-1986 production of both alliances in military equipment particularly relevant for the conventional posture in Europe and consequently for stability, the following picture emerges:

Category	NATO as a percent of Warsaw Pact
Tanks	40
Other armoured fighting vehicles	55
Towed field artillery	21
Self-propelled artillery	19
Multiple rocket launchers	27
Self-propelled AA artillery	24
Towed AA artillery	4
Bombers	18
Fighters	79

(Source: Department of Defense, *Soviet Military Power*, 1987, p. 122)

An agreement to reduce—possibly in phases—the production of military equipment to roughly equal levels would circumvent the inevitably controversial discussion on what forces exist and where (though that has to take place when reductions and redeployments are negotiated) and instead focuses on future outcomes. Verification is relatively easy since it need not cover large areas but only the exit points of production.

The fact that it is Soviet production that has to go down substantially not only underscores the Western point about excessive military overinsurance of the Soviet Union in the past but may be attractive to those forces in the Soviet elites who want to liberate themselves from the tremendous economic cost of that unnecessary overinsurance.

The proposal to lower arms production to agreed levels has been countered with the argument that such an agreement cannot be regionally confined. Some countries, like the Soviet Union, the United States or France, produce weapons for export to countries outside the East-West conflict. Such a constellation, the argument runs, makes production limitations between East and West impossible. A closer analysis, however, reveals that there are a number of weapon systems which are not exported at all or not in significant numbers to countries outside the East-West constellation.

These weapons happen to be crucial for military stability between East and West. They include the advanced version of battle-tanks, multiple rocket launchers, self-propelled anti-aircraft guns, and bombers. An agreement between East and West is, therefore, possible with regard to weapons which are, in fact, only produced for use within each alliance.

4. Key Measures

A discussion of military doctrine, new confidence-building measures, and an agreement to scale down asymmetries in production could be the elements of a first phase of conventional arms control to be followed by carefully worked-out and inevitably complex packages of reductions, redeployments etc. Nevertheless an attempt could be made to identify approaches that are simple, feasible, and affect conventional stability favourably. Such measures could be initiated relatively early. They could include proposals such as that of Senator Sam Nunn to reduce equal percentages of American and Soviet troops in Germany or Phil Karber's suggestions to phase out tanks to roughly equal levels in the Central front area.

The proposal of Senator Nunn would have the great advantage of producing the kind of asymmetric reduction (approximately 4:1) indispensable for NATO security and of increasing stability by concentrating on armoured units. If such a proposal can be implemented an effort would have to be made within NATO to reorganize the front line in Germany to avoid the creation of weak spots in the area of the United States' corps. Moreover, the public must be politically prepared that such a withdrawal of U.S. troops, following the return of about 10,000 U.S. soldiers as a result of the INF Agreement, would not represent any decoupling or weakening of U.S. resolve to honour her Alliance commitments.

CONCLUSION

As a result of changes of policy within the Soviet Union the Alliance may possibly for the first time have a chance to make substantial progress on an issue which was at the origin of its creation: military stability in Europe.

In exploiting that opportunity NATO may not only be able to lower the cost of modern defense which it finds increasingly difficult to bear, but, perhaps even more important, to stabilize constellations which could be conceivable causes of nuclear conflict.

However, conventional arms control could be counterproductive and undermine Western security unless it is undertaken within the context of a more comprehensive approach of the Alliance that creatively combines the preservation of an adequate minimum of nuclear deterrence in Europe with improvements in conventional stability through East-West negotiations.

MESSAGES FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 1:52 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 90. An act to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes;

S. 858. An act to establish the title of States in certain abandoned shipwrecks, and for other purposes.

H.J. Res. 347. Joint resolution recognizing the identical plaques initiated by Sami Bandak, created by Margareta Henniz and Giovanni Bizzini, and depicting the *Calmare Nyckel*, the ship that brought the first Swedish settlers to North America, as significant symbols of the "Year of Sweden"; and providing for the placement of one of such plaques at Fort Christina in the State of Delaware;

H.J. Res. 373. Joint resolution to designate May 1988 as "National Trauma Awareness Month"; and

H.J. Res. 527. Joint resolution to designate the week of April 17, 1988, through April 24, 1988, as "Jewish Heritage Week."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2968. A communication from the Assistant Secretary of Defense (Production and Logistics), transmitting, pursuant to law, a report on the status of our hazardous waste minimization activities and "conforming storage;" to the Committee on Armed Services.

EC-2969. A communication from the Acting Director, Defense Security Assistance Agency, transmitting, pursuant to law, notification of a proposed foreign military sale to Pakistan; to the Committee on Armed Services.

EC-2970. A communication from the Acting Director, Defense Security Assistance Agency, transmitting, pursuant to law, notification of a proposed foreign military sale to the United Arab Emirates; to the Committee on Armed Services.

EC-2971. A communication from the Acting Director, Defense Security Assistance Agency, transmitting, pursuant to law, notification of a proposed foreign military sale to Israel; to the Committee on Armed Services.

EC-2972. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the reserve retirement system; to the Committee on Armed Services.

EC-2973. A communication from the Director of the Federal Home Loan Bank Board, transmitting, pursuant to law, a report on the agency's efforts to prevent unfair and deceptive trade practices in the thrift industry; to the Committee on Banking, Housing, and Urban Affairs.

EC-2974. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the 1987 Annual Report of the National Credit Union Administration; to the Committee on Banking, Housing, and Urban Affairs.

EC-2975. A communication from the Acting Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the Twenty-sixth Annual Report of the Federal Maritime Commission for the fiscal year which ended September 30, 1987; to the Committee on Commerce, Science, and Transportation.

EC-2976. A communication from the Secretary of Commerce, transmitting, six copies of a draft of proposed legislation "To termi-

nate the Public Telecommunications Facilities Grants Program of the National Telecommunications and Information Administration in the Department of Commerce;" to the Committee on Commerce, Science, and Transportation.

EC-2977. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report on Federal Government activities to obtain, translate, abstract, and disseminate Japanese technical literature; to the Committee on Commerce, Science, and Transportation.

EC-2978. A communication from the Secretary of the Interior, transmitting, pursuant to law, the 1986 Annual Report to Congress for the Office of Surface Mining Reclamation and Enforcement (OSMRE); to the Committee on Energy and Natural Resources.

EC-2979. A communication from the Department of Agriculture, transmitting, pursuant to law, the Department of Agriculture's (USDA) 1988 Report to Congress on the Colorado River Control Program; to the Committee on Energy, and Natural Resources.

EC-2980. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report providing statistical and financial information about the Government's helium program for fiscal year 1987; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute and an amendment to the title:

S. 1989. A bill to implement the Treaty on Fisheries between the Governments of certain Pacific Island States and the Government of the United States of America (Rept. No. 100-316).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 2292. A bill to amend title 38, United States Code, to provide for judicial review of rulemaking by the Veterans' Administration, to allow attorneys' fees in cases involving veterans' claims for benefits, and to make other improvements in the provision of veterans' benefits; to the Committee on Veterans' Affairs.

By Mr. CRANSTON (by request):

S. 2293. A bill to amend title 38, sections 5002(d) and 5004(a)(4), United States Code, to raise the Veterans' Administration's minor construction cost limitation from \$2 million to \$3 million and for other purposes; to the Committee on Veterans' Affairs.

S. 2294. A bill to amend title 38, United States Code, and other provisions of law, to extend the authority of the Veterans' Administration (VA) to continue major health-care programs, and to revise and clarify VA authority to furnish certain health-care benefits, and to enhance VA authority to recruit and retain certain health-care personnel; to the Committee on Veterans' Affairs.

By Mr. BENTSEN:

S. 2295. A bill to authorize the Secretary of Agriculture to acquire certain private lands to be added to wilderness areas in the State of Texas; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S.J. Res. 297. Joint resolution designating the week of May 29, 1988, through June 3, 1988, as "America Salutes Broadway Week"; to the Committee on the Judiciary.

S.J. Res. 298. Joint resolution designating September 1988 as "National Library Card Sign-Up Month"; to the Committee on the Judiciary.

By Mr. MURKOWSKI:

S.J. Res. 299. Joint resolution to designate June 22-28 of each year as "National Friendship Week"; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 2292. A bill to amend title 38, United States Code, to provide for judicial review of rulemaking by the Veterans' Administration, to allow attorneys' fees in cases involving veterans' claims for benefits, and to make other improvements in the provision of veterans' benefits; to the Committee on Veterans' Affairs.

VETERANS' JUDICIAL REVIEW ACT

● Mr. MURKOWSKI. Mr. President, I am pleased to introduce the Veterans' Judicial Review Act, a bill to provide for judicial review of certain decisions of the Veterans' Administration.

This bill is designed to achieve many of the same objectives as S. 11, the Veterans' Administration Adjudication Procedure and Judicial Review Act, introduced by my colleague and chairman of the Senate Veterans' Affairs Committee, Senator ALAN CRANSTON. But the means I propose to achieve those objectives are quite different from those contained in S. 11. I strongly believe that the passage of my bill would result in a similar degree of benefit for our Nation's veterans and their dependents, while avoiding the very high costs that the changes in the system for adjudicating veterans' benefits called for by S. 11 would likely bring about.

This bill provides for: First, court of appeals review of VA regulations and regulatory processes; second, authority for this Board of Veterans' Appeals [BVA] to rule on the validity of VA regulations in the context of an appeal, with review of such rulings available in the court of appeals; third, reasonable attorney's fees for services rendered in connection with a challenge to VA regulations before BVA and courts of appeals; and fourth, more independence for BVA.

It is no secret that there has been opposition to S. 11 and its predecessors. There are good reasons for that, Mr. President, and I say that as a Sen-

the American people about his dream—"that one day this Nation will rise up and live the true meaning of its creed—we hold these truths to be self-evident, that all men are created equal." That same year he was selected "Man of the Year" by Time magazine. The following year another honor was bestowed upon Dr. King. He was awarded the Nobel Peace Prize. In his all-too-short life, Martin Luther King, Jr. paved the way for all of the disadvantaged members of our society.

The Reverend King was a man of God. He knew that our God had created all people to enjoy equal rights and liberties. In his time, and to a lesser extent now, black men, women, and children were denied their inalienable rights because of racism in American society. Martin Luther King toiled to break down the artificial barriers racism had erected in front of his people. He had a vision of equality. He was not looking for handouts or special treatment for minorities. He simply wanted black Americans to have full access in society so that they might use their God-given talents instead of having them buried beneath racism, fear, and hatred.

Martin Luther King's integrity shone brightly when he responded to violence and hatred with thought, intelligence, and love instead of more violence and hatred. He declared, "If I meet hate with hate, I become depersonalized." Dr. King did not seek to destroy the men who oppressed him; he sought to educate them. Martin Luther King had the wisdom, integrity, and courage to defeat violence. He knew violence and bloodshed would never have produced positive social change. Nonviolent demonstrations and education helped topple the initial imprisoning walls of racism.

Dr. King dramatized the injustices in our society through oration and nonviolent demonstrations. A student of the Indian hero Mahatma Gandhi, King knew that violent protests would only shed the blood of his followers and that violence would completely close the minds of the white society with which he was striving to establish an attitude of love and equality. "I still believe in nonviolence, and no one is going to turn me around on that point. If every Negro in the United States turns to violence, I am going to be the only voice to say that it is wrong," he said. At a time when lesser men would have looked to violence, the Reverend King vowed to remain a man of peace. As he said in his Nobel Peace Prize acceptance speech, Martin Luther King Jr. " * * * the lion and the lamb shall lie down together."

Martin Luther King, Jr. was truly a great American. He must not be forgotten and, more importantly, his dream for America must not be forgotten. Now that some of the fervor sur-

rounding his life has subsided, we must remember that the fight against racism is ongoing, because racism shall sting our society for as long as it exists. We must pursue his dream and remember his famous words, "we shall overcome," until we may honestly say we have overcome. If someday we know the joy of having overcome, we will remember the great American civil rights pioneer Martin Luther King, Jr.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR THE ARTS AND THE NATIONAL COUNCIL ON THE ARTS—MESSAGE FROM THE PRESIDENT—PM 131

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Labor and Human Resources:

To the Congress of the United States:

In accordance with the provisions of the National Foundation on the Arts and Humanities Act of 1965, as amended, I transmit herewith the Annual Report of the National Endowment for the Arts and the National Council on the Arts for Fiscal Year 1987.

RONALD REAGAN.

THE WHITE HOUSE, April 19, 1988.

MESSAGES FROM THE HOUSE

At 4:55 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolution, without amendment:

S. 1609. An act for the relief of James P. Purvis; and

S.J. Res. 235. Joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 98. A concurrent resolution to authorize the printing of the annual three volume report "Developments in Aging: 1987" prepared by the Special Committee on Aging.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4401. An act to amend the Communications Act of 1934 with respect to Dial-a-Porn.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 4401. An act to amend the Communications Act of 1934 with respect to Dial-a-Porn.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

The ACTING PRESIDENT pro tempore (Mr. REID) reported that on today, April 19, 1988, he had signed the following enrolled bills and joint resolutions, which had previously been signed by the Speaker of the House of Representatives:

S. 90. An act to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes;

S. 858. An act to establish the title of States in certain abandoned shipwrecks, and for other purposes;

H.J. Res. 347. Joint resolution recognizing the identical plaques initiated by Sami Bandak, created by Margareta Henniz and Giovanni Bizzini, and depicting the Calmare Nyckel, the ship that brought the first Swedish settlers to North America, as significant symbols of the "Year of Sweden"; and providing for the placement of one of such plaques at Fort Christina in the State of Delaware;

H.J. Res. 373. Joint resolution to designate May 1988 as "National Trauma Awareness Month"; and

H.J. Res. 527. Joint resolution to designate the week of April 17, 1988, through April 24, 1988, as "Jewish Heritage Week".

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, April 19, 1988, he had presented to the President of the United States the following enrolled bills:

S. 90. An act to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes; and

S. 858. An act to establish the title of States in certain abandoned shipwrecks, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

As a freshman congressman, I experienced far less success with the idea of postal privatization. Persuaded that I could have an influence on my peers in Washington, I hired a private postal carrier to send a "Dear Colleague" letter to all the members of the House. It began, "This letter is being sent to you illegally. But I could deliver it to you for five cents a copy . . ." The United Postal Workers Union was outraged, and I couldn't convince Congress to go along with postal privatization then; however, every year privatization of all sorts of "sacred cows" like the postal service, Amtrak, health care and so on, is becoming more attractive to an increasing number of Americans. The biggest roadblock is the Democratic Party, even though its individual members are often in favor of privatization. Why? Because in 1965 federal spending, previously only for capital goods, was expanded to include consumption goods with the intent to redistribute wealth along the lines drawn by Galbraith, Johnson, and the Great Society. This kind of spending has bought whole constituencies and has created, ultimately, the Dependent Society.

LESS GOVERNMENT IS MORE

We must not simply attempt to cut federal aid. Democrats and Republicans alike will fight for their constituents who crave and demand aid. What we must do is to offer these constituents something better than a "free lunch"; we have to convince them that privatization will bring direct benefits and mean more opportunities to share the American dream.

Politically, what ought to arise out of the privatization movement is not a realignment of power but a return to an older way of thinking, that less government is more; more economic prosperity to go around, more creative energies unleashed, and a more responsible, self-reliant and independent people. This democratic republic was founded in order to guarantee equality of opportunity and the freedom and dignity which comes from being one's own person. For a government to try to do more is to jeopardize the very rights it aims to protect. I want to reiterate that privatization is not just a passing economic fancy or a way to trim the deficit; it calls for a restoration of ideals badly needed if we are to prosper as individuals and as a nation.

PERSONAL EXPLANATION

HON. ROBERT GARCIA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1988

Mr. GARCIA. Mr. Speaker, due to an unavoidable commitment in the 18th Congressional District in New York, I was unable to record my votes during the debate of S. 858, the Abandoned Shipwreck Act of 1987. Had I been there, I would have voted for the measure. The Abandoned Shipwreck Act will preserve historic shipwreck sites for future generations by discouraging underwater salvaging for private profit and encouraging States to establish underwater parks for recreation and research. Because new technologies now make abandoned shipwrecks accessible to exploration, it is important for Congress to provide a means of protection while at the same time not unnecessarily impeding access.

For this reason I support the measure passed by the House.

FREE AFGHANISTAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1988

Mr. SOLOMON. Mr. Speaker, today I am requesting all Members of the House to join in cosponsoring House Resolution 396, regarding United States policy toward Afghanistan. This resolution states that the only acceptable formula for settlement of the Afghan situation is one which provides for the self-determination of the Afghan people and result in a government genuinely representative of the Afghan people.

Over 35 Members of the House, including several members of the Foreign Affairs Committee, have already joined as cosponsors of this resolution, which is virtually identical to legislation overwhelmingly approved earlier this year by the Senate.

House Resolution 396 expresses the support of the House of Representatives to "positive symmetry," the policy which allows the United States to provide assistance to the Mujahidin in response to continued Soviet military assistance to the Kabul regime. Simply stated, the bill reaffirms congressional support for current United States foreign policy regarding Afghanistan.

The resolution states, "that the United States should not cease, suspend, or diminish assistance to the Afghan resistance until the President has determined that the Soviets have terminated their military occupation, and that the Mujahidin is well enough equipped to maintain its integrity during the period in which a transitional government is formed."

Again, I urge my colleagues to support the freedom fighters in Afghanistan by cosponsoring House Resolution 396.

DESECRATION OF SYNAGOGUE

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1988

Mr. McMILLEN of Maryland. Mr. Speaker, I would like to bring to the attention of my colleagues a recent incident that distresses and disturbs me. Between Friday evening and early Saturday morning of March 11 and 12, vandals desecrated a Rockville synagogue in Montgomery County. Three-foot-tall swastikas, covered with hate slogans, were painted in black ink on the synagogue and on the wooden fence of the congregation's parking lot. In past years our Nation has put forth great efforts to promote equality, world peace, and understanding. These reprehensible actions serve only to undermine the progress we have achieved. While the graffiti can be physically removed from the walls of the Magen David Bet Eliahu Sebharcid Synagogue, the scars will long remain. It is my sincere hope that we can one day soon put aside all preju-

dices and at long last become a nation of neighbors.

IN HONOR OF MAJOR GENERAL CORNELIUS NUGTEREN

HON. RICHARD RAY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 26, 1988

Mr. RAY. Mr. Speaker, I rise today to honor Maj. Gen. Cornelius Nugteren, who will retire at the end of this month as the commander of the Warner Robins Air Logistics Center, Robins Air Force Base, GA.

As commander of that facility, General Nugteren has been responsible for one of the U.S. Air Force's five air logistics centers. Robins Air Force base is the State of Georgia's largest industrial complex employing over 16,000 people. In addition, Robins is charged with worldwide support of most transport aircraft, F-15 air superiority fighters, helicopters, air-to-air missiles, surface motor vehicles and high-technology airborne electronics.

General Nugteren began his service in the Air Force in 1952 and received his commission as a second lieutenant in 1953 through the Aviation Cadet Program. The General was awarded his pilot wings after completing advanced flying training at Williams Air Force Base in Arizona.

In September 1953, he was assigned to the 36th Tactical Fighter Wing, Bitburg Air Base, West Germany. General Nugteren returned to the United States in 1956 and served with the 4th Tactical Fighter Wing at Seymour Johnson Air Force Base, North Carolina, as wing quality control officer.

In 1960, the General was assigned to the 49th Tactical Fighter Wing at Spangdahlem Air Base, West Germany. He returned to the United States and was assigned to headquarters 12th Air Force at Waco, TX, as a special project officer with the F-105 program. In 1966, he transferred to McChord Air Force Base, Washington, as a C-141 pilot and flight test officer with the 62nd Military Airlift Wing.

His service as a member of the U.S. Air Force advisory group in the Republic of Vietnam won him the Republic of Vietnam air service medal honor class and the Republic of Vietnam armed forces honor medal 1st Class.

In 1979, General Nugteren took command of the Aerospace Rescue and Recovery Service. In this capacity, he was responsible for worldwide search and rescue missions, the national rescue coordination center, worldwide weather reconnaissance and strategic air command missiles site support.

He assumed his present position as Commander of Robins Air Force Base in September of 1982. His 5½ years of service have won him the appreciation and loyalty of the workers and servicemen of Robins.

His dedication educating the public on the mission of the Air Force was honored recently when he was invested as a Jimmy Doolittle fellow, by the Carl Vinson Memorial Chapter 296. The association named the General an IRA Eaker fellow last year, making him the first person in that chapter's history to receive two Air Force association fellowships. Receiv-

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had approved and signed the following enrolled bills and joint resolutions:

On April 18, 1988:

S.J. Res. 234. Joint resolution designating the week of April 17, 1988, as "Crime Victims Week."

On April 27, 1988:

S. 1609. An act for the relief of James P. Purvis.

On April 28, 1988:

S. 858. An act to establish the title of States in certain abandoned shipwrecks, and for other purposes; and

S.J. Res. 246. Joint resolution to designate the month of April 1988, as "National Child Abuse Prevention Month."

On April 29, 1988:

S. 90. An act to establish the Big Cypress National Preserve Addition in the State of Florida, and for other purposes;

S.J. Res. 227. Joint resolution to express gratitude for law enforcement personnel; and

S.J. Res. 247. Joint resolution to authorize the President to proclaim the last Friday of April 1988 as "National Arbor Day."

On May 2, 1988:

S.J. Res. 235. Joint resolution deploring the Soviet Government's active persecution of religious believers in Ukraine.

On May 5, 1988:

S. 1378. An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated;

S.J. Res. 222. Joint resolution to designate the period commencing on May 1, 1988, and ending on May 7, 1988, as "National Older Americans Abuse Prevention Week"; and

S.J. Res. 242. Joint resolution designating the period commencing May 2, 1988, and ending on May 8, 1988, as "Public Service Recognition Week."

On May 6, 1988:

S.J. Res. 190. Joint resolution to authorize and request the President to issue a proclamation designating June 6-12, 1988, as "National Fishing Week."

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 2, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1378. An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 1811) to amend title 38, United States Code, to provide certain benefits to veterans and survivors of veterans who participated in atmospheric nuclear tests or the occupation of Hiroshima and Nagasaki and who suffer from diseases that may be attributable to low levels of ionizing radiation.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 2273. An act to provide for the transfer of certain funds to the Secretary of the Interior for the benefit of certain members of the Crow Tribe; and

S.J. Res. 59. Joint resolution to designate the month of May, 1988, as "National Foster Care Month."

Under the authority of the order of the Senate of February 3, 1987, the enrolled bill and joint resolution were signed on May 4, 1988, during the adjournment of the Senate by the President pro tempore [Mr. STENNIS].

ENROLLED BILL AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 3, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill and joint resolution:

S. 1378. An act to provide for setting aside the first Thursday in May as the date on which the National Day of Prayer is celebrated; and

H.R. 2889. An act for the relief of Frances Silver.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bills were signed on May 3, 1988, during the adjournment of the Senate by the President pro tempore [Mr. STENNIS].

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 4, 1988, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 393. An act for the relief of Emilie Santos.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1811. An act to amend title 38, United States Code, to provide a presumption of service connection to veterans (and survivors of such veterans) who participated in atmospheric or underwater nuclear tests as part of the United States nuclear weapons testing program or the American occupation of Hiroshima or Nagasaki, Japan, and who suffer from certain diseases that may be attributable to exposure to ionizing radiation, and for other purposes;

H.R. 2616. An act to amend title 38, United States Code, to revise, improve, and extend various veterans' programs, and for other purposes;

H.R. 3025. An act to grant the consent of the Congress to the Appalachian States Low-Level Radioactive Waste Compact; and

H.R. 3606. An act for the relief of Brenda W. Gay.

Under the authority of the order of the Senate of February 3, 1987, the enrolled bills were signed on May 5, 1988,

during the adjournment of the Senate, by the President pro tempore [Mr. STENNIS].

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on May 6, 1988, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the House has passed the following joint resolutions, without amendment:

S.J. Res. 212. Joint resolution to designate the period commencing on May 8, 1988, and ending on May 14, 1988, as "National Tuberculosis Sclerosis Awareness Week"; and

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988 and ending on May 22, 1988, as "National Safe Kids Week."

MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills and joint resolutions, in which it requests the concurrence of the Senate:

H.R. 2558. An act to authorize the Secretary of the Interior to take corrective action to protect certain portions of the Franklin County, Washington, road system within the Federal Columbia Basin reclamation project;

H.R. 3679. An act to clarify the Federal relationship to the Lac Vieux Desert Band of Lake Superior Chippewa Indians as a distinct Indian tribe, to clarify the status of members of the band, to transfer title to trust lands, and for other purposes;

H.R. 3819. An act to prohibit additional appropriations for the analysis and study for the Shaws Bend site of the Colorado Coastal Plains project;

H.J. Res. 137. Joint resolution designating the month of May as "National Asparagus Month"; and

H.J. Res. 530. Joint resolution designating May 1988 as "Take Pride in America Month."

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 1:08 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 393. An act for the relief of Emilie Santos;

S. 999. An act to amend title 38, United States Code, and the Veterans' Job Training Act to improve veterans' employment, counseling, and job-training services and programs, and for other purposes;

S.J. Res. 212. Joint resolution to designate the period commencing May 8, 1988, and ending on May 14, 1988, as "National Tuberculosis Sclerosis Awareness Week"; and

S.J. Res. 240. Joint resolution to designate the period commencing on May 16, 1988, and ending on May 22, 1988, as "National Safe Kids Week."

The enrolled bills and joint resolutions were subsequently signed by the President pro tempore [Mr. STENNIS].